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HANSARD'S
PARLIAMENTARY
DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXXIII.

COMPRISING THE PERIOD FROM
THE TWENTY-FIRST DAY OF APRIL, 1836.
TO
THE SECOND DAY OF JUNE, 1836.

Third Volume of the Session.

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1836.

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HANSARD'S

Parliamentary Debates

During the Second Session *of the* Twelfth Parliament
of the United Kingdom of Great Britain *and*
Ireland, *appointed to meet at Westminster,*
4th February, 1836,
in the Sixth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Third Volume of the Session.

HOUSE OF LORDS,

Thursday, April 21, 1836.

Minutes.] Bills. Read a third time:—Mutiny; and Marine Mutiny.

Petitions presented. By various Noble Lords, from several Places, for the Better Observance of the Sabbath.—By the Duke of Cleveland, from Sutherland, in favour of the Municipal Corporations' Act Amendment.—By the Earl of Winchilsea, from the Medical Practitioners of East Kent, for an Alteration in the Poor-Law Act Amendment Bill relating to their Attendance on the Poor.—By Lord Denman, from Magistrates of Salop, against the Prisoners' Counsel Bill.

CONSTABULARY FORCE (IRELAND).] Lord *Ellenborough* said, it appeared to him, that the returns which the noble Viscount (Duncannon) laid on the Table a night or two ago respecting the Constabulary force in Ireland were not accurate, and it was most desirable that any inaccuracies which they contained should be corrected before their Lordships came to the discussion of the Bill. The noble Lord before he sat down, called the attention of the House to those particulars in the returns which he considered to be erroneously stated.

Viscount *Duncannon* admitted, that the returns were not so accurate as they ought to be, but, with all their inaccuracies, under the circumstances of the case, he had no alternative but to lay them on the table.

The Duke of *Wellington* said, as this Bill was to enable the Lord-Lieutenant of Ireland to raise a force without any control being exercised on the part of the grand juries or the magistracy of Ireland, and as a great portion of the expense of that force was to be charged on the grand juries—a greater portion of the expense than had been charged on them heretofore—he did think it was necessary they should have that which they could have before them, viz.—an accurate account of what the expenses had been heretofore under its different heads, and a fair estimate of what it was to be hereafter. It was impossible this Bill could be allowed to pass this House without having some fair accounts of the expense as it had been, and some fair estimate of the expense as it would be.

Viscount *Duncannon* said, the estimate now on their Lordships' table was a fair estimate of what the Government proposed that the expenses should be hereafter. He did not believe, that the Bill would give more power to the Lord-Lieutenant of Ireland, as against the grand juries, than the Lord-Lieutenant had at present.

The Earl of *Wicklow* said, the returns might be an accurate account of what the Government intended to do, but they did not furnish an account of what the law would enable them to do, if they availed themselves of the full powers which the Bill conferred. The returns consisted of two statements—an account of the expenses under the existing system, and an estimate of the expenses proposed under the Bill, but the fact was, there was inaccuracy on both sides of the paper.

There was a material error in the very first item, notwithstanding its simplicity. The present allowance to each inspector, with the exception of an extra allowance for stationery, was 830*l.* 16*s.*; to this, in the account which he held in his hand, was added "extra allowance to each, 400*l.*" Now, there were no such allowances. There was an erroneous charge, then, of four times 400*l.*, or 1,600*l.*, as against the existing expense.

The Earl of *Ripon* thought the account ought to have stated the full amount which the Act would allow to be incurred. That was the principle on which all the Parliamentary estimates were formed; they were ordered thus, "that a sum not exceeding [so much] be granted." It was not incumbent on the Government to open the whole amount, but the estimates assumed that the whole would be expended.

Lord *Ellenborough* admitted, it might be difficult to furnish an estimate perfectly accurate, for the Bill would empower the Lord-Lieutenant to allow 150*l.* per annum to every man capable of bearing arms. When, according to the estimates, as twenty-eight magistrates would be required, it appeared to him extraordinary that a Bill should be brought before Parliament empowering the Government to appoint 142.

The Earl of *Haddington* said, whatever might be the intentions of the present Government, it did not follow, that the next Government would take the same view of the matter. What he wanted in these returns was an account of the powers given by this Bill. He moved for the returns on the assumption that the number of constables and sub-constables would be the same in the proposed as in the present establishment; instead, however, of 157 chief constables, the account gave only 110. That did not afford a fair opportunity of comparing one system with the other. The noble Earl was proceeding to remark on the number of magistrates proposed, when

Viscount *Melbourne* rose to order. This was not a fit opportunity for discussing the merits of the Bill.

Viscount *Duncannon* said, if the account had been made out in the way suggested by the noble Lords opposite, it would have stated, that the inspectors would receive 500*l.* a year; but it was not intended to give to more than three of the inspectors that sum. Such an account might have misled the House as to the intentions of the Government.

The Earl of *Haddington* thought it not possible to mislead the House on the subject. What he desired was, to see the amount of patronage that would be at the disposal of the Government.

The Marquess of *Londonderry* conceived the return might be made out showing just what the power of the Government would be under the Bill, with the expense; and, secondly, what they proposed that the expense should be. Their Lordships would then be able to judge of the amount of the absolute power and the contemplated discretionary limit.

Viscount *Duncannon* said, to make the account intelligible it ought also to show the extent to which the expenses might be carried under the present law, and under the Peace Preservation Act.

Viscount *Melbourne* said if any noble Lord would point out any deficiency in the account he would endeavour to supply it, and if any noble Lord desired further information perhaps he would move for it.

Subject dropped.

SPANISH AFFAIRS.] Earl *Minto* said, as on the occasion of the noble Marquess having moved for a copy of the instructions issued from the Admiralty to Lord John Hay, so far as related to their authorisation of the letter sent by that officer to the General-in-chief of her Spanish Majesty's forces, he informed the noble Marquess that no such letter had come into his possession; and as since that time he had received a copy of the letter from Lord John Hay himself, he thought it would not be fair or candid if he did not give the noble Marquess information of that fact. He had no objection to the production of that letter if the noble Marquess thought it desirable: but as it had already been communicated to the public, and as he found that nothing could be inferred from it more than he was fully prepared to admit, namely, that it was conformable with the instructions given to Lord John Hay by the Government, to enter into an efficient co-operation with the Spanish Government, under these circumstances the noble Marquess would probably not think the production of the letter necessary.

The Marquess of *Londonderry* felt grateful for the information afforded him by the noble Earl. With respect to the production of the letter he must say, that he thought it important to have it on the table of the House as a record, which it might be useful to refer to hereafter. Before he sat down he begged to ask whether there would be any objection on the part of the noble Viscount to produce the dispatch alluded to by him the other night on stating that the convention of Lord Eliot had been productive of an exceedingly beneficial effect? He would move that a copy of the letter be laid on the Table.

Ordered.

HOUSE OF COMMONS,

Thursday, April 21, 1836.

Minutes.] Bills. Read a second time:—Revenue Departments Securities.—Read a first time:—Lord's Day Observance.

Petitions presented. By Dr. Bowring, from Glasgow, for Exempting the Clyde Ports from the operation of any Act for the Regulation of Pilotage.—By Mr. Mark Philips, from the Chamber of Commerce and Manufactures at Manchester, for a Repeal of the Duty on Fire Insurances.—By several Members, from various Places, for a Repeal of the Duty on Marine Insurances.—By several Members, from a great Number of Places, for the Better Observance of the Sabbath.—By Mr. Poulter, from the Power-Loom Overlookers of Manchester, for Alterations in the Factories' Regulation Act.—By Mr. Lawson, from the Trustees of the Ambleside Turnpike, against the Turnpike Trust Consolidation Bill.—By several Members, from various Places, against the Tithe Commutation Bill.—By several Members, from various Places, for placing the Management of County Rates in Representatives.—By Mr. Ewart, from the Lessees interested in Leases granted by Ecclesiastical Persons, against the Ecclesiastical Leases' Bill.—By Mr. Ewart, from St. Helen's, Lancaster, for an Alteration of the Law of Ejectment.—By Mr. Wilson Patten, from the Hundred of Leyland, Lancaster, for Relief.—By several Members, from various Places, for a Repeal of the Duty on Newspaper Stamps.—By Sir William Folkes, from Norfolk and Suffolk, against the Manorial Boundaries and Escheats Bill.—By Mr. O'Connor Don, from Spankhill, Elphin, and Athelleague, for the Abolition of Tithes (Ireland); and for Relief from Grand Jury Assessments.—By several Members, from various Places, for a Mitigation of the Criminal Laws; and by Mr. Pease, from the Dissenters of Stockton-upon-Tees, for Relief.

Better Observance of the Lord's Day.] Sir *Andrew Agnew* rose, in pursuance of his notice, to move for leave to bring in "a Bill to extend to all classes of his Majesty's subjects the privilege of protection in the due observance of the Lord's day." The hon. Baronet said, that he would not trouble the House with many observations in support of his Bill, unless it were the intention of hon. Members to oppose the motion for leave to bring it in.

Mr. *Gisborne*, and several Members: I intend to oppose that motion.

Sir *Andrew Agnew* must then beg the indulgence of the House, while he made a few observations. This was now the third time he had taken the liberty of intruding on the House upon this subject, and as the question was now well understood in different parts of the country, and as various petitions most respectably signed had been presented to the House, praying it to pass the Bill which he had before introduced, he should not consider it necessary to enter at length into the details of the Bill which he now intended to propose for the consideration of Parliament. The desecration of the Sabbath had excited much attention in the country before he was in Parliament. In 1832, the House granted him a Committee on the subject and much evidence from the metropolis was heard. Though the evidence was not complete, so great was the impression it made on the country at large, that the table was loaded with petitions on the subject. He felt himself called upon to introduce a Bill so framed as to offer that protection from Sabbath labour for which the numerous petitioners prayed. But the Bill was rejected on the second reading; and as the objections were professedly to the extent of its clauses, and not to its principle, the late excellent Member for Bodmin (Mr. Peter) strove to meet the wishes of the House, by bringing in a Bill omitting all the provisions which had been most strongly objected to by hon. Members, hoping thus to secure their support; but very different from his expectations was the reception he met with, for he had to complain of the opposition of the identical parties whom he strove to please, who laughed at the inconsistency of the concessions which they had themselves asked for, and he abandoned his Bill. Again, in the year 1834, he obtained leave to bring in a Bill, which, as before, was intended to comply with the prayers of the petitioners to this House. It was, however, thrown out on the second reading. Notwithstanding the great number and urgency of the petitions which the people had sent up, it could not obtain a deliberate consideration of its details in a Committee. On that occasion, two hon. Members were misled by the declared objections to the extent of this measure, whereas experience proves, that the distaste felt is to the principle of Sabbath legislation altogether, at least by some of the hon. Members opposite, who had taken the most prominent part in opposition to the Bills for the observance of the Sabbath.—The hon. Members for Preston and for

Shaftesbury were destined to meet the same treatment as Mr. Peter had encountered the year before, notwithstanding the very moderate provisions of their Bills. He gave his best support to the Bill of the hon. Member for Shaftesbury, wishing to shew that he was ready to accept any boon from the House, however small, which was right in principle; but the hon. Members on the other side, watchful in their opposition, rendered the Bill in Committee, by their amendments, so very objectionable, that he and his Friends were constrained to vote for throwing it out on the third reading. In 1835, he was desirous again to bring forward such a general measure as should hold out that protection from the oppression of Sabbath labour, which, to judge by the petitions presented, was so extensively desired; but he abstained for the purpose of giving full and fair play to the limited measure for which the hon. Member for Shaftesbury had given notice, in order that the country might have the opportunity once more of seeing, practically, whether the ground of the opposition was the extent of the details, or distaste for the principle of Sabbath legislation. He gave his best support to the limited measure, which was rejected, however, on the second reading, notwithstanding every offer of concession, if it were permitted to go into Committee by the hon. Member for Shaftesbury. At the conclusion of the last Session, he placed a notice on the books of a motion for the introduction of a Bill for extending to all classes of his Majesty's subjects the privilege of protection in the due observance of the Lord's day. The precise words of his notice had been widely circulated throughout the country: and that they were approved of is evident from the multiplicity of petitions which since the commencement of the Session had been presented to the House. A large number of the petitioners had done him the honour to mention his name in their petitions, and many more adopted, in the prayer of their petition, the identical words of his published notice. These parties were chiefly the trading classes who, by experience, know the oppression under which they labour by the present habits of trade, which, in many neighbourhoods, make it almost an impossibility to detach themselves from all the trafficking, or what I would rather term, the desecrations which surround them. Hon. Gentlemen, who were masters of their own time, did not so much experience this, and therefore might not enter into the petitioners' feelings under the grievances of which they complained. Let the Bill go into Committee, and let the House, in its wisdom, determine to whom this protection should be given and from whom withheld. The Bill was so framed as to admit of some parts being retained and others rejected. It was not for him, an humble individual, to say from what classes of his Majesty's subjects the protection should be withheld; it was for the House itself to make that selection. In answer to the objection, that his Bill went too far, he could not do better than refer the House to ten petitions from Chelsea, where this question had been fully considered during the last three years; and as the petitions came from distinct trades, they furnished a picture of the public mind where the question was understood. It had been asked, why persist in a course which had been so often repudiated by Parliament? And surprise had been also expressed that such a question should have been reserved for a Reformed Parliament, which it was supposed would be less inclined to religious questions than the former House of Commons. He had always replied to such inquiries, that he supported the Reform Bill, from the conviction that it would, by enfranchising all the middle classes, bring to bear on the House of Commons a great accession of moral power. Such a question as that of providing for a due observance of the Sabbath, stood no chance in an unreformed House of Commons, but would have been put down by some hundred gentlemen, who, having no constituents, could not have entered into the feelings of the classes who are constrained to work and were deprived of all the privileges of a Sabbath rest. Every Member of the House had constituents, and in every constituency were some men of moral weight. By the influence of such men he was supported; and, he trusted he should be enabled to stand up year after year in the same cause. Strongly impressed with the duty and necessity of amending Sabbath laws, to afford protection, he would move, first, for leave to bring in a general Bill to promote the observance of the Lord's day; and when that was disposed of, he would move for leave to bring in a second Bill to remove impediments to the observance of the Lord's day, by enabling the local authorities to change Saturday and Monday fairs and markets to other days. This power was to be given under certain restrictions, and it was presumed that the local authorities could have no interest in such a removal apart from the interest of the neighbourhood in which they resided. The Saturday markets inconvenienced the agriculturists, after market hours, who did not reach home, perhaps, until late on Sunday morning, when their labourers were to be paid. Monday markets occasioned much travelling towards them upon the Sabbath, and on that day also much previous preparation in the market towns. The hon. Member concluded by moving for leave to bring in a Bill to promote the observance of the Sabbath.

Sir *Oswald Moseley* rose to second the motion of the honourable Baronet, and in doing so, conceived the task he had undertaken to perform an easy one, inasmuch as he imagined no opposition would be given to bringing in the Bill. He had hoped his hon. Friend, the Member for Derbyshire, would have been the last man to object to a Bill, merely for the purpose of Sabbath legislation, and with respect to which the House could not then know anything. Upon former occasions, however, they had heard enough upon the subject of Sabbath legislation, to anticipate the object of the present Bill. He regretted to say, that in a Christian country, [*interruption*]—he was really at a loss to know the reason of those cheers of ridicule, and he must confess he was shocked to see the Commons of England treating a religious subject with such a degree of contempt. He certainly had thought that the British Legislature would have given due consideration to a subject of such serious importance, before it would have attempted to treat it with a degree of disdain calculated to produce in him, at least, a feeling little short of disgust. He knew that in supporting the motion of the hon. Baronet he was taking a step necessarily unpopular with the House of Commons, constituted as it was at present; but the duty he had to perform being of a religious nature, and one for which he should have to answer elsewhere, he would not be deterred by any opposition from going through it to the best of his ability. Upon this ground he would trouble the House with a few observations. He thought that every Member who had read the Report which had been made upon this subject in a former Parliament must, if he read it with care and attention, see the necessity of having some legislative enactment to enforce the due observance of the Lord's-day. If there were any Member present who had not read that Report, he would say, that he was not competent to vote upon this occasion, and he was sure that those who had read it must conscientiously admit that it was both expedient and necessary to adopt a measure of the kind, in order to give to the public a greater security for the observance of the Sabbath. It had been said, indeed, that in this country we might go through the streets, to and from church, perfectly undisturbed, and without meeting with anything to offend our feelings of religion. That might be true, as regarded the heart of the Metropolis and the West-end. ["*No!*"] Then the hon. Member admitted that such was not the case in the West-end; but on going to the other side of the Regent's-Park, would they meet with no violation of the Sabbath? In the heart of the city it was otherwise, because on Sundays it was less populous than any other portion of the town, its inhabitants, for the most part, devoting that day to pleasure in the country. He, therefore, thought that great credit was due to the hon. Baronet for bringing forward the question on the present occasion, after so many previous repeated attempts. Notwithstanding the manner in which he had been laughed at; notwithstanding all the ridicule which had been heaped upon him, and the opposition, of every description, he had met with, the hon. Baronet still persevered, and they certainly had a right to give him credit for his perseverance, in again introducing a motion which was undoubtedly for the good of the country. It had been said, that no legislative enactment could make men religious, but he contended that was not the spirit in which they ought to deal with a measure of that kind, which was not one for the purpose of compelling men to be religious, but for the purpose of putting a restraint upon those disgraceful proceedings which were of constant recurrence on the Sabbath-day. Drunkenness and dissipation were prevalent on that day. Beer-shops were opened, and gin-palaces flourished. The greatest immorality, in fact, followed from the licence given to gin-shops and beer-shops being opened on Sundays. The hon. Member for Dublin might laugh at this; but that hon. Member must know there was great immorality in the gin-shops. [Mr. *O'Connell:* I never was in one.] He did not suppose that the hon. Member ever was in one, but then, why should the hon. Member for Dublin favour him with his sarcastic laugh. He should conclude by saying, that he was quite sure that, on his supporting the motion of the hon. Baronet, he was but coinciding in the opinions and the feelings of a great majority of the well-thinking people of this country.

Mr. *Gisborne* must ask the House to consider whether this was or was not a religious question. He must say, that in his opinion, the interests of religion would not be promoted by passing a Bill of this description. He did not intend to enter into any general discussion of the principle of the Bill, but to state in a simple manner to the House the course which the attempts at Sabbath legislation had taken, up to that time; and he put it to the House whether, after the repeated decisions which the House had come to on this subject, it was desirable to proceed? It was his intention to move the previous question on the hon. Baronet's motion, because he considered it was not desirable, after the repeated attempts that had been made—all of which had proved abortive—to again renew the question of Sabbath legislation. Several Bills had been brought in by the hon. Baronet since 1833, and none of them had reached, or gone beyond a second reading. There was one year in which the hon. Baronet did not appear before the House as a promoter of a Bill on this subject, but then it was taken up by the hon. Member for Shaftesbury (Mr. Poulter); and what did the House suppose was the extent of printing which this subject had given rise to? He could tell them: it extended to no less a number than 84,000 pages. There was one Sabbath Bill introduced into the House of Lords by a noble and learned Lord, who usually coincided in opinion with the majority of that House; but their Lordships did not do the Commons the favour to send that Bill down to them; they disposed of it themselves. He thought the hon. Baronet could not have any serious expectation of passing the Bill, and, therefore, it was not necessary that leave should be given for its introduction. He had always expressed his opinion that this was an unfit subject for legislation—the House had so decided on former occasions—and, therefore, he thought that it was undesirable that the valuable time of the House should be occupied, or the public business delayed, by following up such futile attempts. One great advantage had resulted from the conduct of the eminent individual who presided over their proceedings, in putting a stop to the getting up of unnecessary discussions on the presentation of petitions; and he thought it was very desirable that the House should adopt a similar course with respect to this Bill; that it ought to show a proper degree of moral courage, and oppose the introduction of a measure, the principle of which it was not proper for Parliament to entertain. A Bill of this description would not promote religion; and considering it, therefore, wholly preposterous to suppose that it could pass, he should take the liberty of moving the previous question on the hon. Baronet's motion.

Mr. *O'Connell:* I feel it quite incumbent upon me to assure the hon. Baronet, that I had not the least idea whatever of laughing at him, or at any one else, on that side of the House. The hon. Baronet is far too respectable, and too much respected, for any one to laugh at him. I will tell him precisely the ludicrous idea at which I could not help smiling when he was speaking. The lines of some poet occurred to me. They are to this effect:—

> "In conventicle once looking very blue,
> I saw two knights, Oswald and Agnew;
> The first he was a very strange one;
> T'other a rigid Puritane-one,
> Who hanged his wicked cat on Monday,
> Because she killed a mouse on Sunday."

This was what I could not help laughing at, and I hope the hon. Baronet will excuse me for doing so. Now, if you could make out the case that this country was not a religious one—that it was a country in which the Sabbath was grossly violated—that it was one upon which every indecency was committed—in which no religious sentiment existed—in such a state we might be persuaded that there was a possibility of effecting some good by legislation; but even in such a case I do not think that you could mend the matter much by legislation. But if the truth be, as I believe it is, that there is no country on the face of the earth, in which the Sunday is so well observed, by all persuasions, as in England, and I believe there is not one; I should be glad to see other countries imitate the example set them by this. I wish that every country in Europe manifested the same decent respect for the Sunday as is shown in England. I am sure that if the example were followed, those countries would be infinitely better. Surely, then, in a country like this, the attempt to legislate between men's consciences and their God, the legislation upon religious observations, cannot be sanctioned. It was too much the custom, at one time, for men to persecute each other. Every sect in power stained itself by blood, and in doing so violated the first principles of the Christian religion. The Catholics, in the time of Mary, persecuted by blood; the Protestants persecuted by blood in the time of Elizabeth; the Presbyterians, in the time of the Usurpation, persecuted by blood. The crime has been an universal one. The time for persecution by blood has, thank God, gone by; but are we now to let ourselves be harassed by the miserable vexation of one set of men against another—by those who claim exclusive piety to themselves—who consider themselves superior beings—who call themselves the friends of God, and denounce as enemies to God all those who oppose them. In this House there occurred at a former period the case of Naylor; he was at the Bar of this House for six weeks, every one was raging to show that he was a better friend to God than another; and what was the result? At the end of six weeks, instead of putting Naylor to death, they passed, to prove their piety and Christianity, what was called a mild sentence. What was that mild sentence? His nose was to be split, his tongue bored through, his forehead branded, one of his ears cut off, and he was then to be whipped from Cheapside to Charing-cross. Every one is struck with horror when he hears, that Parliament was concerned in such a proceeding as that. Every one now can gain a livelihood, if he chooses it on Sunday. What is it then that makes the people so religiously observe the Sunday? It is the force of religious feeling. [From Sir *O. Moseley*: " they are forced to work."] Who forces them—is there any law to force a man to work on a Sunday? It is their own choice if they work. If then there be a conscientious objection to working, what necessity for your Bill? There is nothing now to prevent a man from obtaining the filthy lucre of his day's hire, but his conscientious feelings. Is, then, that a class to legislate for? So we, who oppose that legislation, are to be blamed for the ribaldry and laughter upon such a subject. No, but those who seek to introduce measures upon such a subject are blameable. The Sunday is well observed at present. No man is compelled to work on Sunday. Is there, I ask, any law to compel a man to work on that day? He has his choice, to take wages or refuse them, and they are refused. And it is in this state of circumstances, that we are called upon to legislate, and which if we did could only create a bad spirit. Certainly, summoning a man on Monday for a breach of the Sunday, would do much to promote charity and kindliness of feeling between man and man. In my opinion, it must have directly the opposite effect. It is, in my opinion, better to let well alone. Let moral influence prevail, and let general sentiment enforce the due observance of the Sabbath, as nothing else can do it.

Mr. *Potter* observed, that the hon. Baronet had not entered into any of the details of the proposed measure, and therefore he (Mr. Potter) must look for the probable features of the enactments in the Bills which the hon. Baronet had previously brought in. He would contend that these Bills were Bills of pains and penalties, as regarded the working classes, while they gave the utmost latitude for the breaking of the Sabbath by the higher orders of the community. He was in utter ignorance of the details of the present Bill, and if, upon that ground alone, he would oppose the introduction of the measure.

Mr. *Plumptre* was ready to acknowledge the fact, that in England the Sabbath was more strictly observed than it was on the Continent; but still there were many abuses which it could not be denied ought to be remedied and removed. He would tell the House that there were many hon. Gentlemen who had liberty on their tongue, but who were most intolerant in their hearts. There was in that House men who wished to have the use of the Sabbath to themselves, but who would not allow one body of men to be protected in the observance of that day. He trusted that the House would allow the hon. Baronet to bring in this Bill, seeing that so many persons had applied to the Legislature for protection.

Lord *Arthur Lennox* begged to say one single word. The hon. Member for Wigan had stated, that he was ignorant of the details of the proposed measure. Now it was upon that very principle that he (Lord Arthur Lennox), would support the motion of the hon. Baronet, the Member for Wigtonshire—He cared not whether hon. Gentlemen who cheered disagreed with him, but he hoped and trusted that, at least, he might be allowed on this, and every other occasion, to exercise his own judgement, and to follow the dictates of his conscience. He had voted for the first and second readings of the former Bills, though he had in no instance pledged himself to the details. The petition which he had presented in the early part of the evening was in favour of some legislative enactment to ensure a better observance of the Sabbath; it emanated from a vast number of his constituents, and expressed, he believed, the unanimous feelings of the inhabitants of that city which he had the honour to represent.

Mr. *Arthur Trevor* said, that without pledging himself to support the details of this measure, in its future stages, he felt bound to give his assent to its introduction; but he wholly dissented from the opinion which had been given by the hon. Member for Derbyshire. He thought that it would be the height of injustice to the hon. Baronet, and a gross dereliction of duty on the part of the House, if they were at once to reject a measure, in favour of which so large a number of persons had petitioned.

Mr. *Warburton* said, that the hon. Baronet who thought to introduce this measure, for the better observance of the Sabbath had been highly complimented by the hon. Baronet who seconded the motion for the firmness with which he had persevered in the attempt to pass Bills having this object in view, through the House; and, therefore, he (Mr. Warburton) thought the House could not be much surprised if those hon. Gentlemen who had uniformly objected alike to the principle and details of the former Bills, should, with a degree of corresponding perseverance, follow up their determination to reject this proposed measure. If they were once to allow themselves to embark on legislating on these matters, they would never know to what degree of absurdity their legislation would proceed. They must look, not only at the manner in which the question was introduced, but they must also be alive to the fact, that those parties who were opposed to legislating on this question, were held up as men to be denounced by their constituents. He should give his decided opposition to the introduction of any such Bill as that which the hon. Baronet moved for leave to bring in.

Mr. *Baines* would support the motion of the hon. Baronet, who had had the honour (for such he considered it to have been) to introduce several Bills on this subject. There had been that day a greater number of petitions presented in favour of some enactment to insure the better observance of the Lord's day than had been presented on any other subject during the present Session. It would be, on the one hand, a most ungracious proceeding towards the hon. Baronet and an injustice, on the other hand, to the constituencies of this country, if they were at once to reject the introduction of a measure in favour of which so many had petitioned.

Mr. *Roebuck*; [*cries of Question.*] He supposed from the cries indulged in by hon. Members, that they looked on this question as one which had been introduced and negatived so often that it was perfectly unnecessary for him to express his dissent from its principle. If he believed the House were willing at once to throw out the Bill, his purpose in rising would be answered, and he should not detain the House for an instant. But it so happened that that was not the intention of a large number of hon. Members, and he thought it requisite to say a few words in opposing the introduction of this measure. It was grounded on a principle which he held to be an improper one: it called for the interference of the House on a subject with which the House had no concern whatever. In the first place, this was a measure of gross hypocrisy. In saying this he did not mean to impute hypocritical motives to those who brought forward this measure: all he meant to assert was, that the measure was applied for, with one view really and with another ostensibly. He should like to know why those who were such strenuous advocates for the proper observance of the Sabbath, consented to employ servants on the Sunday. Was it not a fact that these strict religionists made their servants black their shoes, brush their hats and clothes, and do everything that they deemed necessary to keep their house in order and promote their comfort? [Sir *Oswald Moseley:* Yes; but we oblige them to go to church.] The hon. Member for Staffordshire said that servants were obliged to go church; but how was it that he forgot that their masters were in all probability driven by their servants to church, and that the very persons who preached at the church were brought there in the same manner? For those who allowed these works to be done were crying out about having the Sabbath better observed: it was a farce from beginning to end, and nothing but sheer, downright hypocrisy. What right had any man to clothe himself with authority by which he considered himself justified in pronouncing his fellow-men irreligious because their acts did not in all respects correspond with his notions? [Sir *Oswald Moseley:* I have never done so.] Yes: but you do so by implication when you assent to the principle of such a measure as this. What other interpretation can you claim for your conduct than that you assume to yourself that perfect wisdom and consummate judgment which enables you to lay down a rule for the observance of the Sabbath, which must be applied to all other men? It would be much more consistent with true morality that, having determined on a rule of right, you should yourself, in all humility of spirit, abide by it, taking care to leave your neighbour to act just as he pleases. One would suppose that the hon. Member opposite (Sir A. Agnew), having been twice defeated on this measure, would have been satisfied that Parliament was determined to reject it. But as he has thought fit to introduce another Bill on the subject, I shall put the purity of his morality to the test, by proposing an amendment to his Bill to this effect:—First, I shall propose that all frequenters of club-houses on a Sunday shall be fined ten pounds; five pounds to be given to the informer, and five pounds to the King. I mean also to propose a clause that every servant employed to go on a message by his master on a Sunday shall have a right of informing against his master, and fining him ten pounds therefore. I shall propose also to impose a fine against a clergyman of any persuasion who shall choose to be carried in his coach to church on Sunday, of one hundred pounds; and, if any Bishop of the Church of England shall so act on that day, I mean that he shall be fined two hundred pounds. In addition to those clauses, I shall introduce one more, which is, that Hyde-park be closed on that day as well as the Zoological-gardens. [" Tattersall's."] As for Tattersall's, I have never been there in my life. I know nothing about it, and I shall leave others to take care of that; but I shall use every exertion to render (by the provisions which I propose to introduce into this Bill) the streets as solitary and dreary as possible. Having thus provided for the proper observance of the Sabbath by the rich, we shall then be in a condition to legislate on the subject for the poor. At all events I reckon with confidence on receiving the support of the hon. Member who has brought forward this Bill, and the potent assistance of the hon. Member for Staffordshire, to these clauses which it is my intention to bring forward as absolutely essential to the justice and impartiality of the intended measure.

Viscount *Sandon* observed, that the hon. Member for Bath had charged those on his side of the House with hypocrisy, not, perhaps, in direct terms, but by "implication." He could not help saying, that there was as intolerant a spirit on the part of some hon. Members of that House against religious observances as any intolerance of bigotry exhibited by any former Parliament. This was a question which was not to be met by ribaldry and abuse, but was one the decision of which was looked to with the greatest anxiety by the middle and lower classes of the country. The hon. Member for Bath appeared to lose sight of the distinction between works of necessity and acts which obviously desecrated the Sabbath.

The House divided on the original question: Ayes 200; Noes 82:—Majority 118.

List of the Ayes.

Acheson, Lord Visct.
Alsager, Captain
Alston, R.
Archdall, M.
Ashley, Lord
Astley, Sir J.
Bailey, J.
Baillie, H. D.
Baines, E.
Balfour, T.
Barclay, C.
Barnard, E. G.
Barneby, J.
Beckett, rt. hon. Sir J.
Bell, Matthew
Bethell, R.
Bewes, T.
Blackburne, I.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Bonham, R. F.
Borthwick, P.
Brocklehurst, J.

Brodie, W. B.
Brotherton. J.
Bruce, Lord E.
Bruce, C. L. C.
Bruen, F.
Buller, Sir J. Y.
Burrell, Sir C.
Calcraft, J. H.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Cavendish, hon. G. H.
Chandos, Marquess of
Chichester, A.
Clive, hon. R. H.
Colborne, N. W. R.
Compton, H. C.
Conolly, E. M.
Corbett, T. G.
Corry, rt. hon. H.
Crewe, Sir G.
Darlington. Earl of
Dick, Q.
Dowdeswell, Wm.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. W.
Dunlop, J.
Eastnor, Lord Visct.
Eaton, R. J.
Egerton, Sir P.
Egerton, Lord F.
Elley, Sir J.
Elwes, J. P.
Estcourt, T.
Estcourt, T.
Fector, J. M.
Fielden, W.
Ferguson, rt. hn. R. C.
Finch, G.
Folkes, Sir W.
Follet, Sir W.
Forbes, W.
Forster, C. S.
Gladstone, T.
Gladstone, W. E.
Glynne, Sir S.
Gordon, R.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Grant, hon. Col.
Hale, R. B.
Halford, H.
Hall, B.
Handley, H.
Harcourt, G. G.
Hardy, J.
Hawkes, T.
Hawkins, J. H.
Hay, Sir John
Heathcote, G. J.
Henniker, Lord
Hindley, C.
Hogg, J. W
Hope, James
Jackson, Mr. Sergeant
Jervis, John

Ingham, R.
Inglis, Sir R. H.
Johnstone, Sir J.
Johnstone, J. J. H.
Johnston, Andrew
Jones, W.
Jones, T.
Kerrison, Sir E.
Lanton, W. G.
Lawson, Andrew
Lefevre, C. S.
Lefroy, right hon. T.
Lennox, Lord G.
Lennox, Lord A.
Lewis, D.
Lincoln, Earl of
Lister, E. C.
Longfield, R.
Lopes, Sir R.
Lucas, E.
Lushington, C.
Lygon, hon. Colonel
Mackenzie, S.
Maclean, D.
Mahon, Lord Visc.
Marsland, T.
Martin, J.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Mordaunt, Sir J.
Morgan, C. M. R.
Morpeth, Lord Visct.
Neeld, J.
Ossulston, Lord
Packe, C. W.
Paget, F.
Palmer, R.
Parker, M.
Parry, Sir L. P. J.
Patten, J. W.
Peel, E.
Peel, right hon. W. Y.
Pelham, hon. C. A.
Pendarves, E. W. W.
Perceval, Colonel
Plumptre, J. P.
Plunket, hon. R. E.
Polhill, F.
Pollington, Lord Visc.
Pollock, Sir F.
Powell, Colonel
Praed, W. M.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Rice, right hon. T. S.
Richards, J.
Rickford, W.
Ridley, Sir M. W.
Rolfe, Sir R. M.
Ross, C.
Rushbrooke, Colonel
Russell, C.
Russell, Lord John
Ryle, John

Sandon, Lord Visct.
Sandford, E. A.
Scott, Sir E. D.
Scott, J. W.
Scrope, G. P.
Sheppard, T.
Smith, A.
Smyth, Sir H.
Somerset, Lord C.
Stanley, E. J.
Steuart, R.
Stewart, Sir M. S.
Sturt, H. C.
Thomas, Colonel
Trevor, hon. A.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tynte, C. K.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Vesey, hon. T.
Vivian, J. H.
Vivian, J. E.

Vyvyan, Sir R.
Walker, R.
Wall, C. B.
Walter, J
Whitmore, T. C.
Wilbraham, hon. B.
Wilde, Mr. Sergeant
Williams, R.
Williams, Sir J.
Wilmot, Sir J. E.
Wilson, H.
Winnington, Sir T.
Winnington, H. J.
Wodehouse, E.
Wortley, hon. J. S.
Wrightson, W. B.
Yorke, E. T.
Young, G. F.
Young, Sir W.

TELLERS.

Agnew, Sir A.
Mosley, Sir O.

List of the NOES.

Aglionby, H. A.
Attwood, T.
Baldwin, Dr.
Benett, J.
Bentinck, Lord W.
Bish, T.
Bowes, J.
Bowring, Dr.
Brady, D. C.
Bulwer, H. L.
Bulwer, E. L.
Butler, hon. P.
Cave, R. O.
Chapman, L.
Churchill, Lord C.
Cowper, hon. W. F.
Crawford, W. S.
Crawley, S.
Dalmeny, Lord
Davenport, J.
Duncombe, hon. A.
Elphinstone, H.
Evans, G.
Fellowes, hon. N.
Fergusson, Sir R.
Fielden, J.
Fort, J.
Gaskell, D.
Grote, G.
Gully, J.
Harland, W. C.
Harvey, D. W.
Hawes, B.
Hector, C. J.
Hodges, T. T.
Horsman, E.
Howard, P. H.
Hume, J.
Hutt, W.
Leader, J. T.
Loch, J.

Lynch, A. H.
M'Namara, Major
Marjoribanks, S.
Marshall, W.
Marsland, H
Methuen, P.
Molesworth, Sir W.
Nagle, Sir R.
O'Connell, D.
O'Connell, J.
O'Connell, M.
O'Connor, Don
Oliphant, L.
Palmer, General
Pattison, J.
Philips, M.
Potter, R.
Power, J.
Ramsbottom, J.
Rippon, C.
Roche, W.
Roebuck, J. A.
Rundle, J.
Ruthven, E.
Scholefield, J.
Sheldon, E. R. C.
Speirs, A.
Strutt, E.
Stuart, V.
Tancred, H. W.
Thompson, Colonel
Thorneley, T.
Tulk, C. A.
Wakley, T.
Walpole, Lord
Warbuton, H.
Wemyss, Captain
Westenra, hon. H. R.
White, S.
Williamson, Sir H.
Wynn, rt. hon. C. W.

TELLERS.

Mr. Gisborne	Mr. Ewart.

Paired

FOR.	AGAINST.
Mr. Tooke.	Mr. Divett.

Leave given.

FAIRS AND MARKETS.] Sir Andrew Agnew moved for leave to bring in a Bill to transfer the markets now held on Saturdays and Mondays to other days in the week.

Dr. *Bowring* objected to the introduction of a measure of such importance without due notice.

Mr. *Pease* thought the measure would be most beneficial, and it should be recollected, that the power to alter these fairs and markets would be placed in the hands of the Magistrates.

Mr. *Warburton* objected to the Bill, which would go to alter the charters of most of the corporations of England.

The *Chancellor of the Exchequer* thought, that the hon. Baronet did not deal fairly with the House, for he obtained leave to bring in one measure and he proposed two. The second bill went to change Saturday's and Monday's fairs and markets. To such a proposition, he must most decidedly object, as one which would tend to introduce the utmost confusion and disorder in the internal trade of the country. He must also observe, that the hon. Baronet would be apt greatly to prejudice his other measure, when it was found, that in this he had gone so much beyond anything which could have been expected from the previous discussion. He had no objection to let the matter stand as a notice, in order to its full and fair discussion; but he could not consent to a postscript, which, like other postscripts, contained the most important part of the communication. Let the House have due notice of the matter, and he should have no objection to its full discussion.

Sir Andrew Agnew begged leave to withdraw his motion.

Mr. *Harvey* considered, that the hon. Baronet had no right to withdraw his motion without the leave of the House, and he would prefer, that the House should come to some decision on it at present. It appeared to him, that the objection which had been raised against this motion, savoured much of the hypocrisy which some hon. Members had talked of with reference to measures of this description. For his own part, he objected to this on the same ground that he opposed the last measure, that was, because he thought it much better to leave the question of the due Observance of the Sabbath to the moral influence of improved education; and it excited his surprise, that the right hon., the Chancellor of the Exchequer, who voted for the last measure, should oppose this. If the observance of the Sabbath must be enforced by legislative enactment, the principle upon which those who supported the last motion voted,—then let every other consideration give way, and let that observance be strictly enforced. But it did appear very like that vice to which he alluded in the outset—that hon. Members should support one measure for enforcing the observance of the Sabbath, and object to another which had the same object, merely because it might interfere with their temporal concerns. As long as the proposition was an abstract one, and did not interfere with private interests, religion, of course, was to be respected; but the moment it touched fairs or markets, it then became a question between cattle and Christianity, in which the interests of the latter must of course give way. This shewed the total absurdity of any legislation on the subject. To what purpose was it, he asked, that 3,000,000*l.* were annually expended in the payment of a spiritual police to arrest and check the progress of vice and immorality, if after all this expenditure, it was necessary to resort to coercive legislation, in order to make men religious? He was, he repeated, opposed to all measures of this description; but upon the grounds on which the hon. Member supported the last motion, he must say, if the religious principle was a good one, let it not be interfered with by the number of cattle which might be sold at Smithfield or Islington on certain days.

Motion withdrawn.

CARLOW ELECTION.—MR. O'CONNELL.] Mr. *Hardy* said, it was not then necessary to advert to the considerations which led him to bring forward the subject of the Carlow election on a former occasion; that they fully justified his doing so, it was not requisite for him to show; neither did he feel the least occasion for troubling the House at any great length in excusing himself for again bringing it under their consideration. He was told, that the present step on his part was an attempt to try the hon. and learned Member for Dublin twice. He denied the truth of that assertion altogether; it was no such thing. When the hon. Member for Ipswich said he should be afforded an opportunity of bringing the subject forward, he rather imagined that, in giving the intimation, the hon. Member did not altogether wish the question to be raised. He could hardly receive that advice with much confidence in its sincerity, for he did not expect the support of that hon. Member, and when he heard him holding such language he could not refrain from saying,

> "—— timeo Danaos et dona ferentes."

He repeated, that he was not going to try the question twice. Before the subject had ever been brought under the notice of Parliament, when the discussion of it went on merely out of doors, when as it then was the subject of conversation in almost every circle, he said, that if nobody else did, he should direct to it the attention of the House of Commons. He made a motion accordingly, a Committee was appointed, and, as the House must recollect, they entered upon the inquiry and made their Report. Now, if he understood that Report—and it was couched in very plain language—he should say, that it called the attention of the House to certain points in the inquiry which would form a sufficient justification for his adopting the present proceeding, and an abundant foundation upon which to rest the first of his resolutions. The third paragraph of that report is in these words:—

> "It appears that Mr. O'Connell addressed a letter, bearing date the 1st of June, 1835, to Mr. Raphael, in which an agreement for Mr. Raphael's return for the county of Carlow for 2,000*l*. was concluded. Your Committee cannot help observing that the whole tone and tenour of this letter were calculated to excite much suspicion and grave animadversion; but they must add, that upon a very careful investigation it appeared that previous conferences and communications had taken place between Mr. Raphael, Mr. Vigors, and other persons connected with the county of Carlow, and that Mr. O'Connell was acting on this occasion at the expressed desire of Mr. Raphael, and was only the medium between Mr. Raphael and Mr. Vigors and the Political Club at Carlow."

If the House, then, adopted the same view of this part of the subject as the Committee, they must agree with him in thinking that he had laid a sufficient ground for his first resolution. From the Report it most distinctly appeared that the traffic alleged to have taken place, had actually, by the finding of the Committee, been carried on between the parties. The Committee set it down as a matter proved, that there had been an agreement entered into and concluded between Mr. Raphael and the hon. and learned Member for Dublin. The House had now before them evidence of the payment and receipt of 2,000*l*. ["*No, no!*"] It was a fact which could not be disproved, and if the circumstances under which that payment and receipt were made did not render it a breach of privilege, he had yet to learn in what that offence consisted. It was impossible that the House should stop there, with the Report of its own Committee before it, in which there was the distinct finding, that the sale of a seat had been concluded between Mr. Raphael and a Member of that House. Any man who entertained the shadow of a doubt upon the subject might be fairly called on to answer this question—whether Mr. Raphael ever would have had a seat in that House but for the traffic and agreement between him and the hon. and learned Member for Dublin? He should now proceed to call attention to such parts of the evidence as bore out the paragraph of the Report he had read to the House, as well as those other parts which might be necessary for establishing the positions for which he contended. In the first place, he should refer hon. Members to page 82 of the report, question 1,557, in which Mr. Vigors says, "I acquiesced in the justice of his choice, and I said, that Mr. O'Connell was exactly the man to whom I should wish the whole matter to be submitted. I left him then under the impression that he was to leave the whole matter to Mr. O'Connell, and it depended entirely on following up this negotiation with Mr. O'Connell whether he was to be our candidate or not." Here, then, the House must see distinctly that Mr. Raphael was not to be admitted as the candidate for the county of Carlow unless he succeeded in bringing to a satisfactory result the proposed negotiation with the all-powerful person to whose conduct the whole matter was intrusted—till Mr. Raphael should have concluded with the hon. and learned Member for Dublin no other step was to be taken; Mr. Raphael was to be no candidate. He believed that there was not an unprejudiced and intelligent man in this country who would not regard that as a corrupt agreement, and as one calling for the immediate attention of the House, because it was vain to talk of purity of election so long as agreements of that nature were entered upon, concluded, and confirmed by the agency of Members of that House. In bringing forward the present motion, he wished it to be distinctly understood, that he did not propose to call in question the main features of the Report. No doubt, the motion he should make, as well as the original proceeding, went to affect the character of the hon. and learned Member for Dublin; and, certainly, nothing could be more evident than that it was a most unpleasant and invidious task to take any step affecting private or individual character. Those who were called on to make investigations of that nature found them at all times most unpleasant, and even painful; but of course those who entered upon them voluntarily could not be supposed to suffer similarly; but there was no Member of the Committee who must not have found it a most disagreeable thing to inquire into the proceedings and canvass the personal conduct of any one so well known and possessing a weight so considerable in that House as the hon. and learned Member for Dublin. To return, however, to the Report of the Committee; they stated, that after the agreement was concluded there still remained, and he could not help calling the attention of the House particularly to this remark—there still was that upon which the Committee "could not help observing, that the whole tone and tenour of the letter were calculated to excite much suspicion and grave animadversion. Such was the opinion of the Committee, and it did appear to him that the House would be disposed to think so too. He would ask, had the suspicion there referred to been removed? Did there not still remain on the character of that hon. Member traces as foul and corrupt as before? It might be disagreeable to proceed with such a duty as that in which he was then engaged, but he did not wish to aggravate the really unpleasant nature of that duty by allowing it to be supposed that he meant to impute to the hon. and learned Member for Dublin his having put into his own pocket any portion of the money in question. But was not character a matter of the very highest importance to the House and the country, when it had reference to an individual possessing the power to negociate for the purchase and sale of seats in that House, who could carry county elections, and place or displace Members at his good pleasure? The hon. and learned Member did not put any money into his own pocket, but that was not the question. It was of no importance to the public into whose pocket the money went; the real question was this—had or had not a certain Member of that House been the agent through whose hands a certain amount of money passed, which had been paid in consideration of the person who paid it being returned to sit in that House for the county of Carlow? The Committee in their Report stated, that there were grounds to "excite much suspicion and grave animadversion;" and then they came in with that exceptive conjunction "but," and they spoke of previous conferences, in which Mr. Raphael, Mr. Vigors, and others took part, who were connected with the county of Carlow, and that Mr. O'Connell was acting upon this occasion at the expressed desire of Mr. Raphael. He would beg to put the case thus:—If A. B. received a bribe paid by C. D., and he handed over the bribe to a third party, knowing at the time the object for which the bribe was given and received, did any portion of such a proceeding alter the original nature of the transaction, or purify the individual through whom the bribe was conveyed from the corrupt character which, of necessity, attached to every part of the transaction? Could the circumstance of being a mere agent alter the nature of any such negotiation? He would be glad to know if there were any one who would argue that the agent of a transaction, in itself corrupt, was free from culpability when he knew the character of the business in which he was engaged, and acted with a full knowledge of all the circumstances. As to the Committee and the conduct of the inquiry, he held, that there was one thing perfectly obvious—namely, that the utmost care was taken on the part of those composing that Committee, to apply themselves to the charge of pecuniary turpitude as applicable to the character of the hon. and learned Member for Dublin; but, in fact, that was not the question really submitted to that Committee, and most especially was it not the question with which the House had then to deal? He would repeat over and over and over again, that the question was not whether the money went into the pocket of the hon. and learned Member for Dublin or not, but whether the money was obtained to be used in bribing the electors of Carlow. It made very little difference, or none, whether the party accused acted as agent or as the original party; whether he proceeded in the matter spontaneously, or whether he was invited to engage in the undertaking. In his judgment, there was nothing in any one of these mere incidents which in the least degree affected the decision of that question which it was his purpose to submit to the consideration of the House. Nor should he, in estimating the real nature of the transaction, look to mere fugitive declarations of parties whose memory was not much to be trusted; he should refer to authentic documents—to letters written by the parties with perfect deliberation, and with every appearance of having been advisedly written. The first of these letters to which he should refer was that produced by Mr. Vigors before the Committee. Hon. Members would find it at page seventy-six of the evidence, where the witness was asked—"Did you also about the same time, November, 1834, receive a letter from Mr. O'Connell, and is that the letter? I received this letter from Mr. O'Connell two days after its date." A letter, dated 26th of November, 1834, was delivered in and read as follows:—

"My dear Vigors,—We are all bustle, preparing to fight the Tories in all the counties and boroughs. Carlow county interests you more immediately. Wallace and Blakeney know they will not answer. The honest men then suggest Mr. Ponsonby, Lord Duncannon's son, and Mr. Raphael, the London sheriff. Will you call on Lord Duncannon on the business? I wrote to him to say I would ask you to do so. First, to-morrow you should see Mr. Raphael, and ascertain whether or not he would stand. We could secure him the county at an inconsiderable expense—say, for the very utmost, 3,000*l*. You can tell him that I will be one of the guarantees of his success if he will thus come forward as the colleague of Mr. Ponsonby. Let me know, without delay, whether there will be any chance of effecting this plan.

"Believe me always, my dear Vigors, yours most faithfully,

"DANIEL O'CONNELL."

By this letter full authority was given by the hon. and learned Member for Dublin to Mr. Vigors to call on Mr. Raphael, and so far from being ignorant of what he was about, and so far from acting as the instrument of Mr. Vigors, he was the actual director of that gentleman. Then it further appeared from the evidence, that Mr. Charles Pearson, a respectable solicitor in the city, who was under-sheriff when Mr. Raphael filled the office of Sheriff of London—that gentleman suggested that the application respecting the county of Carlow should at once be made to the fountain head—the hon. and learned Member for Dublin, who in consequence, it was to be presumed, of some such application, addressed a letter to Mr. Pearson, dated Merrion-square, Dublin, December 2, 1834, and which hon. Members would find at page sixty-nine of the Report.

The letter proceeds as follows:—

"My dear Sir,—I agree with you entirely, in thinking that it would be extremely desirable to have Mr. Raphael in Parliament. I had already been apprised that he intimated recently a desire to be so; and indeed I believe it the more readily because he some two or three years ago told me as much. Fortunately, as I hope, there is now quite a suitable opportunity: Carlow County is likely to be deserted by its present Members, and we are threatened by two powerful Conservatives. You will be glad to hear that, even before I got your letter, I wrote to Mr. Vigors, suggesting Mr. Raphael as a likely person to coalesce with young Ponsonby, Lord Duncannon's son, and by that means secure the return of both, for both must embark, if at all, on the same bottom. My present impression is, that with Ponsonby's popularity and our recommendation of Mr. Raphael, success is to the last degree probable. I wish you would see Mr. Vigors on this subject. He lives near the Botanic Gardens; you will find his address in the *Directory*. I will write again by this post to Carlow, and get an exact return of the constituency, divided into good, bad, and doubtful; and if I find that the good exceed the other two, then we will proceed. But money is necessary. About 3,000*l*.—say 3,000*l*. at the utmost, would cover all expenses. I will not have Mr. Raphael stand unless I can ensure two things for him: first, that the expenses shall not exceed that sum; and secondly, that he will certainly be returned. You may, of course, rely on it, that there shall be no speculation. At present, I believe that the return can be made certain, but I will not pledge myself without further information. Let me know how Mr. Raphael relishes my proposal to join Mr. Ponsonby, who has considerable local interest, and to go as far as 3,000*l*. to carry the election. The principal expense will be to indemnify tenants who vote against their landlord's wishes. They may want from one year to half a-year's rent. The greater part will only be a loan, and will be repaid. It will not also be required till after the election, and will be unconnected with any previous stipulation. The tenants who vote for us thus will expect that the gentlemen who compose the local Committee, should prevent their landlords from ruining them by sudden demands, at periods when the Irish farmer has nothing to sell. But the entire of these advances and all other expenses not to exceed 3,000*l.* I have mentioned in reply to your answer to this, I will give you precise and positive terms, and even then you shall be at liberty to retract. Believe me to be, my dear Sir, very faithfully yours,

"Daniel O'Connell."

"C. Pearson, Esq."

He begged the House to observe that the writer, in the first paragraph of his letter, speaks of having had communications with Mr. Raphael two or three years before—namely in 1832 or 1833, on the subject of getting into Parliament, a statement utterly at variance with representations made by the hon. and learned Member on other occasions, a proof that his memory was not very accurate as to remote periods of time, and that when he said he never had had any communications with Mr. Raphael till the summer of 1835, his letters were more to be relied upon than any fugitive declarations which he might make in any of his species. Did he (Mr. Hardy) mean to impute to the hon. and learned Member that knowingly he misstated the fact? No, his object merely was to show, that in all cases his memory was not to be relied upon; it proved too that people in giving their testimony even were not as fully to be believed, as when cool, deliberate and collected, they sat down in their closets to state accurately, if they ever did so at all, the facts which they wished to communicate. Now, to return to the terms of this letter, according to it, provision was to be made for liquidating the arrears of certain tenants who might incur the displeasure of their landlords by voting against their wishes. Did any hon. Member suppose that there was the least intention of proceeding to the election without its being made well known to those tenantry that there existed a fund out of which, so soon as the election was over, they would be supplied with the means of discharging their arrears? And the fact of that knowledge being communicated, and the hon. and learned Member being privy to the whole, constituted in his opinion a gross breach of the privileges of that House. At page 120 of the Report they would find in question 2,167 that Mr. Vigors was asked "Was any part of it (the money) to be applied to the expenses of the petition by which Messrs. Bruen and Kavanagh had been unseated, their election having been declared void?—At the period in which I went to Ireland, during the election, I had not the slightest idea that any portion of that money was to be applied to a subsequent petition. In that point I found that Mr. O'Connell had exceeded my instructions, and it was at a subsequent period, at the period which I now refer to, at that meeting in which Mr. O'Connell read to me those conditions for the first time, was I aware that the petition was mentioned. I immediately acquiesced in it. I mentioned that it had exceeded what I thought was the understanding between us, but I had no objection to it in the world, particularly as the petition was then actually pending; but previously to this, in my communication to the electors of Carlow, I had mentioned that the second 1,000*l.* was to go to the county purposes, which in my understanding was the object of it." If the House would be at the trouble of comparing the statements contained in the foregoing answer with the acts of the hon. and learned Member for Dublin, they would see, that so far from abiding by the instructions of Mr. Vigors he threw his principal completely overboard, assumed all the responsibility and authority himself, and, in fact, ceased to be an agent, not that that was necessary to implicating him in a breach of privilege. Then it could not be forgotten that on other occasions the hon. and learned Member took the whole matter upon himself, saying "Refer all to me." Again he says, "I will make all the pecuniary arrangements." He begged attention to another part of the hon. and learned Member's correspondence, where he tells Mr. Raphael that if any one was to be returned, he was to be that fortunate individual, which was completely dismissing the claims of poor Mr. Vigors, and disposing of the people of Carlow, as though he had the most undoubted right to deal with their feelings and privileges as he might think proper. He declared that there could be no fitter man than

Mr. Raphael, and he must be returned at all events. Was that treating Mr. Vigors as his principal? Could any man in his senses doubt that such a proceeding was in effect a bargain, and that the two parties to it were the Member for Dublin and Mr. Raphael? On this the Committee saw just ground for suspicion and animadversion, and then they qualify with the word "but," as Shakespeare said—

> But yet is as a gaoler to bring forth
> Some monstrous malefactor.

He thought he had now fully established the fact, that the hon. and learned Member for Dublin had acted as a principal, even against Mr. Vigors, who amongst his tenantry could reckon on seventy votes of his own, and who was intimately connected with the county; he thought, too, that whether as agent or principal, he had fully established the truth of his first assertion, that the act as respected all the parties concerned, was a flagrant breach of the privileges of that House. One of the parties to that breach of privilege was the hon. and learned Member for Dublin, who said, in his letter to Mr. Raphael, "If only one Liberal can be returned for Carlow, you will be the man." But it made little difference whether the hon. and learned Gentleman was, the agent or the principal in the transaction; the question was, whether such a bargain had been made? Mr. Vigors admitted in his evidence, that his understanding was, that a portion of the first 1,000*l.* was to be applied to the payment of the expenses incurred in unseating Messrs. Bruen and Kavanagh. Further, from the evidence of Mr. Vigors, it appeared that there was an understanding that the whole of the second 1,000*l.* should be placed at the disposal of the Carlow club; but of what importance was that to the hon. and learned Member for Dublin? he was not responsible to Mr. Vigors or the Carlow club; he cared not for them, for the simple reason that they were his instruments, and that he was the prime mover in the whole transaction. He begged permission again to call the attention of the House to the real nature of this monstrous affair. From the evidence now in the hands of Members respecting the Carlow club, and the application of a certain sum of 1,000*l.* to county purposes, nothing could be clearer than this—that any tenant who from want of prudence, or want of honesty, got into arrear, might go before the club and say, "I shall be turned out if I vote against my landlord, you must be prepared to pay a year's rent, or a year and a-half for me, or you cannot reckon on my vote." What a system was that? If such statements were good for anything, they went the full length of establishing bribery; and if that deposit of 1,000*l.* or 2,000*l.* went without reprobation, see what it would lead to; why to nothing less than the establishment of Conservative clubs, who would say to those shopkeepers, whom the priests threatened, that grass should grow before their doors. "We will indemnify you." Let the House only reflect for a moment upon the practices which such a state of things must introduce. The passing of the Reform Act would then most justly be viewed as a subject of the deepest regret; not that he meant for a moment to insinuate that any such transactions were a legitimate consequence of that act, quite the contrary, but better be without it than lawfully, or unlawfully, such consequences should ensue. Formerly they had to complain that boroughs were bought and sold, now they had to complain of nothing less than the purchase and sale of whole counties. Here was a county sold to a Gentleman, who never would have had a seat in that House were it not for such bargain and sale. He therefore hesitated not to affirm, that the whole matter demanded the most careful and attentive consideration from the House. The Committee, which had already sat upon the question, appeared to think they had nothing to do but to clear the character of the hon. and learned Member for Dublin from the charge of pecuniary turpitude. That was evident from the observation of the hon. Member for Bridport who talked of trying a man twice; supposing that he was about to bring such a charge against the hon. and learned Member. He did not intend to do so; that point was settled by the Report of the Committee. He admitted that the hon. and learned Member had not actually retained any of the money; or, he should rather say, kept any of it to himself; because, that he had retained some of the money, and had the accommodation of the use of it, was as palpable as the light of day. [*Oh, oh.*] What, did any one doubt that fact? Then let them look to the Report. He was not about to allude to evidence which was produced on the part of the prosecution—if it might be so called—but to that which was brought forward in support of the defence. One of the witnesses produced for the defence stated, that when he applied to the hon. and learned Member for the balance, he told him, that his money was in Ireland, and, therefore, he must pay him in long bills. Now only a few days before this the money had been paid into the hon. and learned Member's own hands, in cash. It was proved that he paid it into his bankers' on his own private account. When the banker's clerk was asked to state the balance of the hon. and learned Member's private account, he was not permitted to answer, an objection being taken by the Counsel who conducted the case for the hon. and learned Member, which was assented to. The hon. and learned Member then said, that he would put his private account into Sir Frederick Pollock's hands; and he did so. But what was it? It commenced in the month of June, 1835, and came down to the day before that on which the hon. and learned Member produced it. [Mr. *O'Connell.*—"No, no."] Was that denied? Then he would turn to the evidence to show that his statement was correct. In page 51 of the Report the following evidence given by Mr. Little, the banker's clerk, appeared:—

> "When does the copy of the account begin that you have to-day?—It begins with the month of June, 1835. What date in June?—The 3rd, I believe.—And down to what time does it continue?—Till yesterday."

This was the account which the hon. and learned Member made a sort of parade of when he put it into the hands of the hon. and learned Member for Huntingdon. That hon. and learned Gentleman examined it with great delicacy, and then informed the Committee, that he thought they ought to look at it; but they did not do so. Now it was very important that the account should have been examined. It would be recollected that it was the amendment proposed by the hon. Member for Bridport, and not the motion which he (Mr. Hardy) made, that directed the Committee to inquire into the application of the money, and the circumstances under which it had been received. It appeared that a person who represented himself to be an agent, received 2,000*l.*, and appropriated it to his private account, he being in arrears, and by that means saved his credit with his banker. Was not that a most important consideration? The hon. and learned Member had accused him of not having, when on a former occasion he brought this subject under the consideration of the House, referred to his defence, which was contained in a letter dated the 6th of November last. He did not refer to that letter, for this reason, that it contained matter extraneous to the question to which he thought the attention of the House ought to be directed—namely, the bargain for the sale of a seat. If, however, he had referred to the letter in question, he should have been unable to find anything which would serve the hon. and learned Member. In that letter the hon. and learned Member acknowledged that he had eulogised Mr. Raphael in the most glowing terms, and recommended him to the electors of Carlow as the most fit and proper person to represent them, at the moment when his ears were yet tingling with the admonition that he was a "faithless creature, who never observed any contract." The hon. and learned Member upon that occasion, also asked him why he had not referred to Mr. Vigors? He abstained from doing so, because it did not bear upon the case before the House at the time. In that letter, however, Mr. Vigors stated that the whole of the money given by Mr. Raphael to the hon. and learned Member for Dublin, was transmitted to Ireland, whereas it now appeared that the principal part of it was expended in England in supporting the petition, and in other election expenses. In the hon. and learned Gentleman's letter of the 6th of November, is the following passage:—

> "This is my apology for having recommended to you so base a man as he now shows himself:—indeed, at present he is a creature so paltry, as to be below reproach. Let me give you just this specimen of this man's mendacity:—There is in his publication (Mr. Raphael's) this passage—mark the hypocritical candour!—'That I should not do him an injustice, it is fair that I should, in conclusion, observe, that the second sum of 1,000*l.* has been accounted for, by his paying in cash 350*l.* to Mr. Baker, towards the law charges, and after repeated applications made for the balance, by giving him a bill for it at a long date, drawn by Mr. O'Connell himself, on the self-same brewers as the 800*l.* before alluded to was drawn for.' Perhaps there never were so many falsehoods stuffed into so small a space. It may amuse to analyse them—1st. It is false that the second 1,000*l.* was accounted for in the way stated. This is a pure invention—a simple falsehood."

If hon. Gentlemen, however, would take

the trouble to turn to the evidence of Mr. Baker, they would find, that the money was accounted for precisely in the way stated by Mr. Raphael. The hon. and learned Member for Dublin's letter continued:—

"2d. 'Paying in cash 350*l.* to Mr. Baker, towards law charges.' I never paid 350*l.*, or one shilling, to Mr. Baker towards law charges, or for any purpose. This is a complicated falsehood."

It was true, however, that the hon. and learned Member did not actually pay the money into the hands of Mr. Baker, but he knew that he gave Mr. Vigors a check for 300*l.* in the lobby of the House, which was immediately handed over to Mr. Baker. The other 50*l.* was afterwards given to Mr. Baker by Mr. Vigors.

"3d. 'And after repeated applications made to him for the balance.' Mr. Baker never made to me any such application—no person even applied to me, or had any occasion to apply to me, for any balance. This is a multitudinous falsehood."

Notwithstanding this denial of the hon. and learned Member, Mr. Fitzgerald stated in his evidence that, by Mr. Vigors' desire, he repeatedly called upon the hon. and learned Member for the balance, and at last received it from him; on which occasion it was, that the mistake respecting the 15*l.* occurred. Whole pages of evidence were occupied with that single point, and the witness was almost, as it were, put to the rack to prove, that the sum which the hon. and learned Member overpaid was exactly 15*l.* If the House looked attentively to the evidence, it would not fail to discover that, even if part of the money went to the liberal Committee at Carlow, some of them must have gotten some of it. Mr. Fitzgerald, secretary, when examined, said he had got somewhere about 700*l.* out of the first 1,000*l.*, and that would nearly cover the expenses he knew of as incurred at Carlow. When Mr. Vigors was asked, was any of the second 1,000*l.* to go to pay the expenses of unseating the then Members? he had replied—

"I calculated that 600*l.* of it would be so applied. I had mentioned that a second 1,000*l.* was to go to the county purposes, which in my understanding was the object of it

"Was any part of it to be applied to the expences that had been incurred in unseating Messrs. Bruen and Kavanagh?—Not of that second 1,000*l.*

"Was any part of the first 1,000*l* to be applied to that purpose?—Certainly; that was my understanding.

"To what extent?—The election expenses were to have been defrayed in the first instance, and then the surplus of the 1,000*l.* would have gone to the expenses of the petition that had unseated the Members; that was the understanding. I did not state any particular sum, because I did not know what the election expenses would amount to.

"You have stated, that the election expenses would be about 600*l.*?—I calculated that the election expenses would be about 600*l.*; and if I had the management of the same election, the expenses would not have been above 600*l.*

"Then there would have been a surplus of 400*l.* to defray in part the expenses of the petition inquiry?—Yes, and if I mistake not, I mentioned that the election expenses would not exceed 600*l.* At the same time I found them exceed considerably that sum, for Mr. Raphael's reputation for generosity was such that our bills were twice as much for it. If I had to fight my own battle I dare say I could have fought it for 400*l.*, but Mr. Raphael's generosity made the demands double to what they would otherwise have been."

Therefore according to Mr. Vigors's own showing, he had the power to bring the expenses of the election within 400*l.*, and he asked hon. Members what there was to prevent that gentleman from doing so? He was unshackled by Mr. Raphael, who had nothing to do with the expenditure of the money, and who had always said that he never would have any thing to do with it. But it seemed that the reputation of Mr. Raphael's generosity had penetrated to Carlow; and as *omne ignotum pro magnifico*, so "Mr. Raphael's generosity made the demands double what they would otherwise have been." He was sorry to press the case against Mr. Vigors; but if hon. Members looked to what had been stated by that gentleman in answer to the questions put to him, they would find that he was not that unimpeached and unimpeachable witness which the hon. and learned Member for Dublin had described him to be. With respect to the persons who carried on the petition against Messrs. Bruen and Kavanagh, he was asked the following question by the Carlow election Committee, before which Mr. Vigors gave his evidence on oath. The House would find the following passage at page 121 of the evidence. The hon. Member read the following extract:—

"You were examined upon your oath as a witness before that Carlow Committee; do you remember that; were you examined, and upon oath?—I was examined certainly.

"And upon oath?—Upon oath.

"Will you tell me whether you did not give the following answer to the following question: 'We have understood that all the petitioners are shopkeepers, and men of that description?' that is the question; was this your answer: 'Yes, the petitioners are men of respectability as shopkeepers and tradesmen in Carlow?'—Yes, I should make the same answer now.

"Then there is this question: 'Do they pay the expenses of this discussion, or are they indemnified against it?' This is the answer: 'I really do not exactly know that; I believe one of them has entered into a recognisance; if I mistake not, I saw his name.' Do you remember giving that answer?—I do not remember the answer, but I suppose it is the answer that I gave.

"Now I beg particularly to call your attention to this third question and answer: 'Can you tell me whether they are to pay, or whether they are indemnified by anybody?' and did not you give this answer, 'I know nothing about it?' It is probable that I gave that answer; not only probable, but I take it for granted that I did, as it is in the minutes.

"Now I ask you this question, did you not before that Carlow Committee represent that you had nothing to do with the expenses, you were then a witness?—Not that I know of; I do not think that I was asked the question; I only know, that I had made myself responsible to Mr. Baker, the agent, for the expenses, and if I was asked the question I should have answered it directly; the sureties are merely matter of form, and entering into recognisance I know nothing about, I was not aware of what the terms were; but I was perfectly cognisant at the time that those individuals would not have been called upon, or if they were, *pro forma*, called upon, that the expense would ultimately fall upon myself.

"Then how came you to state in answer to the question, 'Can you tell me whether they were to pay or whether they are indemnified by any body? I know nothing about it.'—Because I know nothing about their being called upon, *pro forma*, to pay, or having indemnities for them; I knew not the mode in which they were bound, and that they would not have been called upon to pay; whether they would be called upon to make this petition perfect or not I was unaware; that those were matters of mere form in prosecuting the petition, the particular mode of which I do not understand; but I knew the fact to be, that they would not have to pay, and that I should have to pay, though they might be, called upon by their recognisances, or whatever were the terms in which they had entered."

Mr. Vigors knew the fact to be, that these parties would not have to pay, and that he should have to pay; and yet, when giving his evidence on oath before the Carlow election committee, he said, "He did not know whether they would have to pay. Let the House then observe, that Mr. Vigors was a party engaged in the transaction o trafficking for a seat in Parliament. He was one of the *participes criminis;* and having an opportunity afforded them of giving what colouring they pleased to the transaction, they must be bunglers indeed, as bunglers they had shown themselves, if they could not make it out that the money had been expended in a manner to justify the Committee to report that it had been spent in what might be called legal expenses. This was the charge which he had to bring before the House, and he was not now imputing to the hon. and learned Member any act of pecuniary turpitude. Nor did he from the first conceive that the hon. and learned Member was so base as to put any of the money into his pocket. The hon. and learned Member had, indeed, done him the honour of congratulating him for acquitting the hon. and learned Member of such an offence. He did, however, observe that the hon. and learned Gentleman might have personal and political objects to be served by the transaction; and he now begged to call the particular attention of the House to the circumstances preceding the Carlow election in June. Previous to the month of January, the hon. and learned Member invited Mr. Raphael, through Mr. Pearson and Mr. Vigors, to become a candidate for the county of Carlow. It appeared that Mr. Raphael was otherwise engaged then, and did not accept the invitation. The eldest son of the hon. and learned Member, and a gentleman of the name of Cahill, then came forward as candidates; and the hon. and learned Gentleman stated in a speech, that, in consequence of the delay practised by their opponents, they were not elected. Now, he (Mr. Hardy) wished to draw the attention of the House to a letter written by the hon. and learned Member on the 4th of January, 1835, to Mr. Fitzgerald, for the purpose of showing what kind of personal and political interest the hon. and learned Member had in getting two Members returned for the county of Carlow. The hon. Member read the following extract from the letter alluded to:—

"My dear Fitzgerald,—I wish I could get to Carlow. I am most anxious to be in Carlow. Will you see his Lordship the Bishop, and submit to him my plan? If you cannot get anybody else, I will lodge 500*l.*, or if necessary 1,000*l.*, for my eldest son Maurice, and set him up for the county. Maurice can and will be elected for Tralee; but he could afterwards elect to sit for Carlow county, and leave Tralee for a second choice. I say this only, on the understanding that nobody else can be got; in that case, I will make the sacrifice I mention, to prevent a Tory getting in for the county. You will, however, recollect that I do this merely to prevent a Tory from being your member, and for no other purpose, though, to be perfectly candid, I would rather have Maurice represent a county than a borough, but beyond that preference there is nothing else. I am, however, ready to make a personal sacrifice of from 500*l.* to 1,000*l.*, for that purpose."

The hon. and learned Member, therefore, by the success of his scheme, would have got a Member to his mind, and would have saved his 500*l.* It therefore appeared to be a matter of interest to the hon. and learned Member to get somebody to represent the county of Carlow. However, Mr. M. O'Connell and Mr. Cahill were not successful; and a petition was presented against the successful candidates. Mr. Vigors, in his account, said that he expended 700*l.* Why should Mr. Vigors expend that sum? He was not one of the unsuccessful candidates. What interest, then, had Mr. Vigors in fighting that battle, except it was, that by spending that 700*l.* he was purchasing the votes of the liberal members of the Carlow Club? And in order to reimburse himself, he came to London and made a bargain with Mr. Raphael, and got back his money; and also another 1,000*l.* for the Carlow Club. There could not well be a case more gross, in his (Mr. Hardy's) opinion, than the one he had detailed; and in that case the unimpeached and unimpeachable Mr. Vigors was deeply concerned. The charge which he made was this—that there had been a corrupt contract—that a seat in Parliament had been sold to Mr. Raphael for 2,000*l.*, which money was to be appropriated in a way corrupt in every respect. Even if it were asserted that, by possibility, corruption might not be the result, the answer was, that neither in law nor in morals was it justifiable to enter into a certainly corrupt contract, because it might be attended with contingent purity. That was the charge he made. The statement against the hon. and learned Member for Dublin was not what the Committee chose to make it throughout the whole of the proceedings—a matter of pecuniary turpitude. The real statement against him was, that he had from beginning to end been a party to a corrupt transaction. Whether the hon. and learned Member intended to put any of the money in his own pocket, or not had nothing whatever to do with the charge which he brought against him. The hon. Member for Newark wished, in the Committee, that before witnesses were examined, the Parliamentary agents should be called upon to specify the misconduct of which the hon. and learned Member was charged. He (Mr. Hardy) felt much surprise at such a motion being made by any Member of the Committee, but made as it was by the hon. Member for Bridport, whom, since he had had the honour of a seat in that House, he had always regarded as a sort of sentinel over the purity of election, it excited in his mind a degree of astonishment which he confessed he was utterly unable to express, especially when the hon. Member for Bridport must have seen, that the question which he mooted was not whether there had been any pecuniary turpitude in the hon. and learned Member for Dublin, but whether a corrupt bargain had been made for the return of a Representative of the county of Carlow, and whether the hon. and learned Member for Dublin had anything to do with that corrupt bargain. That was the question, and the only question, which he intended to bring under the consideration of the House or of the Committee. Then, in the course of the examination, the hon. Member for Bridport had complained of the delay which had taken place, and of the long interval which he (Mr. Hardy) had allowed to elapse before he came forward with the motion of which he had given notice for to-night. The hon. Member for Bridport, when he made that complaint, would please to recollect that the vacation had necessarily intervened between the time at which the notice was given and the period at which the motion was now brought forward. He did not think that hon. Gentlemen would spend the vacation in reading the Report of the Committee; and, therefore, instead of appointing a day immediately after the recess, he thought it better to allow some short time to elapse, in order that Gentlemen, when the motion was brought forward, might be prepared to discuss it with such a knowledge of the facts as the importance of the case required. He trusted that the House would receive this as a sufficient explanation of the delay of which the hon. Member for Bridport complained. Certainly the Report required to be read with attention, though he was quite sure, that it would be impossible for any one to read the Report with attention without coming to the same conclusion as he had come upon it. The witnesses contradicted each other in an extraordinary manner. Mr. Baker and Mr. Vigors stated that a bill of 275*l.* was paid to a Rev. Mr. Maher, who would be able to account for the manner in which money to that amount had been expended in procuring the election of Mr. Raphael. Now he begged to refer the House to the evidence of this Mr. Maher, which would be found in page 153 of the report. Mr. Maher was asked, "Did you, out of the money furnished by Mr. Vigors, make payments to those witnesses to the amount of 306*l.*?" The reply was, "I know nothing about the payments which Mr. Vigors has made; I received from Mr. Vigors, I believe at Mr. Baker's house, a bill of 275*l.*, and this I handed over as soon as it was cashed to Mr. Fitzgerald; I believe he has the account of that." Then, again, in page 154, speaking of the 130*l.*, Mr. Maher was asked, "That 130*l.* was independent of the 275*l.*, or the produce of the bill?" The reply was, "Yes; I received this 130*l.* in Ireland." "You got that bill discounted, and handed the produce to Mr. Fitzgerald?"—"I did." "Did you retain any part of that bill, or hand the whole proceeds to Mr. Fitzgerald?" —"I handed him 268*l.*" "And 2*l.* afterwards?"—"Yes." It was impossible to reconcile these statements. It was not to be forgotten that the hon. and learned Member for Dublin had the advantage of hearing the whole of the evidence adduced, for he was allowed by the Committee to remain present during the whole of the investigation. At the close of the proceedings the hon. and learned Gentleman, it was true, placed himself in the witness chair, for the purpose of being asked any questions that the Committee might deem necessary. The hon. and learned Member for Newark (Mr. Sergeant Wilde) did not choose to ask him any questions, and the hon. and learned Member for Huntingdon (Sir F. Pollock) abstained from doing so. But were there no matters that the hon. and learned Member for Dublin might like to have explained? When one of his own witnesses had stated, in the course of his examination, that he had applied to the hon. and learned Gentleman for the balance of his account, but was told that it could not be paid because the money was in Ireland, one would have thought that the hon. and learned Member would have been anxious to satisfy the Committee how it was that this came to pass, especially as it appeared to be inconsistent with some other portions of the evidence. There was also another point upon which one would not have thought it unnatural that the hon. and learned Member should have evinced some anxiety to offer an explanation to the Committee. It appeared by the evidence, that he had made an offer of a Baronetcy to Mr. Raphael. Surely, the hon. and learned Gentleman might have explained to the Committee what that offer was made for. The hon. and learned Gentleman might, at all events, have explained whether he was authorised to make that offer. What was the merit of Mr. Raphael, that called for a Baronetcy? The only merit explained was, that he was ready to advance 1,000*l.* to the political club of Carlow. If Mr. Raphael merited the dignity, and if the hon. and learned Member for Dublin thought he might be allowed to dip his hands in the fountain of honour, and to grant a title to whom he pleased, surely he ought to have informed the Committee whether he had authority to do so or not. If he had not authority to make the offer, what became of his own character for making it? and if he had authority for making it, what character did the Government deserve which gave him that authority? He begged leave, in conclusion, to move the first of the following resolutions:—

"That it appears, in the evidence reported by the Committee appointed to inquire into the circumstances under which Alexander Raphael, Esq., was returned a Member for the county of Carlow, at the election in June last, that an agreement in writing was concluded between Daniel O'Connell, Esq., a Member of this House, and the said Alexander Raphael, as follows:—

"Clarges-street, June 1, 1835.

"My dear Sir,—You have acceded to the terms proposed to you for the election of the county of Carlow, viz.—you are to pay before nomination 1,000*l.*, say one thousand pounds, and a like sum after being returned; the first to be paid absolutely and entirely for being nominated; the second to be paid only in the event of your having been returned. I hereby undertake to guarantee and save you harmless from any and every other expense whatsoever, whether of agents, carriages, counsel, petition against the return, or of any other description; and I make this guarantee in the fullest sense of the honourable engagement that you should not possibly be required to pay one shilling more in any event, or upon any contingency whatsoever.

"I am, my dear Sir, your very faithful

"DANIEL O'CONNELL."

"Alexander Raphael, Esq."

"That it appears that Nicholas Aylward Vigors, Esq., was cognizant of, and consenting to the said agreement, and that in pursuance thereof, the said Daniel O'Connell and the said Nicholas Aylward Vigors did endeavour to procure the return of the said Alexander Raphael as a Member to serve in Parliament for the said county of Carlow, and who was returned accordingly."

"That to enter into, or consent to, such an agreement, was a high breach of the privileges of this House."

"That such agreement, as aforesaid, is in violation of the Statute passed in the 49th year of King George 3rd, for preventing the giving or receiving of money on any contract or agreement to procure, or endeavour to procure, the return of any person to serve in Parliament."

Mr. Ridley Colborne and Mr. O'Connell rose together. Mr. Colborne gave way.

Mr. *O'Connell* said, it was with regret that he intruded himself upon the House at that moment; but as he intended not to be present at any more of the discussion, he felt it right to address the few words he had to offer before the matter proceeded further. He rose the more readily upon the occasion, because he had an exceedingly pleasing duty to perform in the first place, and that was to offer the meed of his most respectful, most humble, but most sincere thanks, to the Gentlemen of all parties who composed the Committee before which the charge of the hon. and learned Member for Bradford had been heard and determined. He had never seen Gentlemen attending with more care, keeping their attention more perfectly alive, or displaying more of the air of complete impartiality than those Members of the Committee did, who differed from him in general political opinions. If, indeed, he were called upon to make a choice between the attendance of either one party or the other—which he could not—he should feel bound to express his thanks for what appeared to be the more delicate superiority of attention on the part of those who differed from him in politics. He doubly felt the obligation under which he was placed towards those Gentlemen, after the speech he had heard from the hon. and learned Member for Bradford that evening. He did not know whether the tone and temper of that speech corresponded with the feelings of English Gentlemen generally; but after what he had witnessed of the conduct of English Gentlemen on this Committee, he could not believe it did. He certainly did not think that there were many Gentlemen in the House who would coincide in the unhappy quibblings and unfortunate and manifold contradictions of himself, into which the hon. and learned Gentleman fell in the course of his address. It was quite true that he (Mr. O'Connell) did say on a former occasion, that the hon. and learned Member for Bradford had acquitted him of the charge of pecuniary corruption. He said so on the first occasion on which the subject was brought forward; and what did the hon. and learned Member for Bradford do? He said now that he (Mr. O'Connell) had been guilty of pecuniary corruption; but what did he say then? He denied it. "He (exclaimed Mr. O'Connell)—he—the Member for Bradford, talk about my character! He understands bribery, and I told him so, and he did not deny it. He has never denied it, although he has since had a fine opportunity of doing so; and if he denies it now—if he denies now that he demoralized Pontefract, by spending upwards of 5,000*l.* for his election there, I will move for a Committee to inquire into the matter, and then let him, and let the hon. Member for Carlow, who talks so disinterestedly about character, come forward to support me—let the hon. and learned Member for Bradford, if his conscience be clear, challenge, in the case of Pontefract, that inquiry from which I did not shrink in the case of Carlow. I have been lately in the neighbourhood of Pontefract, and I have now no doubt that it would be fully in my power to prove the facts I alleged against the hon. Member on a former occasion, and which he did not then contradict. I will not trouble the House at any length. It is not my purpose to follow the hon. and learned Gentleman through the rhodomontade of a speech which I have heard from him, misquoting, mistaking, misrepresenting, everything that appeared before him. A tissue of more complicated misrepresentations could not, indeed, have been delivered, for the edification of my libellers; some of whom I may say, perhaps, the prime mover of all, wishing to earn the wages allowed by his party, has employed himself in cooking up the speech which this evening we have heard so impressively delivered. The hon. and learned Member for Bradford has spoken of contradictions in the evidence; he says that Mr. Baker's evidence contradicts one of my letters. How does he show the contradiction? I stated in my letter that I never settled an account with Mr. Baker, and then he finds that some of my money found its way into the hands of that gentleman. This is one of the mighty contradictions which he has so solemnly been endeavouring to impress upon the House. Do I complain of the preposterous view which the learned Gentleman has taken of the evidence? No, I solemnly declare that I think it is owing to the sort of intellect he possesses. There is about the learned Gentleman just that extent of mind which renders him incapable of seeing or understanding the question before him. The hon. and learned Member had before him every document and every species of evidence that could elucidate or explain the nature of the transactions I had had with my bankers. The Committee decided that the account should not be looked into; but the moment that the hon. and learned Gentleman found that the account was a partial one, he came forward and stated that I had furnished a partial account. Although the Committee decided that my banker's account should not be looked into, I furnished it, and I appeal to every Member of the Committee whether I did not furnish the whole of it. I handed it over to the hon. and learned Member for Huntingdon (Sir F. Pollock) as the nominee of the opposite party, and he, with great delicacy, took it home with him, and, as he afterwards assured me, looked only to those parts of it which bore immediately upon the subject under investigation; but he will tell the House that I placed the whole of the account in his hands, and with my full consent he might have examined it from beginning to end. There is no ground or pretence, therefore, for the miserable species of special pleading which the learned Member has attempted to set up upon the pecuniary part of the transaction. Then he says I was called upon for a balance. I never was called upon for a balance. I was called upon from time to time for moneys, and I paid moneys when I was called upon to pay them. What do the Committee say? "It appears that the money was placed to Mr. O'Connell's general account, at his banker's in London. It was, however, advanced the moment it was called for, to Mr. Vigors; and though some of it was paid in bills, the discount was allowed; the amount, therefore, was available whenever wanted, and no charge of pecuniary interest can be attached to Mr. O'Connell." I enter into this not as a defence. The Report of the Committee is my defence. The unanimous opinion of twelve hon. Gentlemen of this House is my defence. The hon. and learned Member's speech is an appeal from the Report of the Committee. It is not a question between him and me at all. It is a question between him and the Committee. I have already expressed my thanks to that Committee, for the attention which they paid to my case, and to every Member—whether I had the honour of knowing him before or not—I shall certainly, for the future, pay the courtesy of taking off my hat whenever I meet him; because I am proud, notwithstanding the strong party zeal and some bad ingredients which exist in this House, the country does still contain gentlemen who, whatever their party feelings may be, feel as gentlemen and men of honour, that they were bound to do their duty impartially, when they were called upon to act as judges. But the hon. and learned Gentleman says, I was not examined myself. Oh, if I had come forward to prove any part of my own case, how he would taunt me with having been my own witness. He would then have said, "Oh, Mr. O'Connell himself supplied every deficiency of the evidence; when other witnesses could not speak to particular facts, Mr. O'Connell placed himself in the witness's chair and spoke to them himself." If on the other hand I had shrunk from examination, what would he then have said? Why, that I dared not to face the Committee. Feeling that this might be said, I went into the witness chair, in order that the Committee might have the opportunity of putting questions to me if it thought proper so to do. The hon. and learned Gentleman who acted as nominee on the opposite side, and who is well known to be one of the ablest practitioners at the English bar, did not deem it necessary to examine me, upon a single point. He might, if he had thought proper, have examined me on the subject of the Baronetcy, upon which the learned Member for Bradford has laid so much stress. He did not do so; neither did the hon. Gentleman himself put any question to me upon that subject. Not asking me, then, is it right that it should go abroad to-morrow as a part of his speech, amidst the ribaldry of *The Times* and *The Morning Post*—the managers of which two veritable publications are now, no doubt, present—is it right that an attack should now be made against me, in the words of the hon. and learned Member for Bradford? It is true, that I cannot much respect the words that fall from him, after the course he has taken; but I appeal to the House, whether it is right, after the fair opportunities of explanation which have been previously afforded, that he should now, by raking up the charge afresh, be giving a sort of impunity to those who, at all times, are ready enough to vilify and to condemn my conduct? Was there ever so paltry an excuse as that made by the learned Member to-night, for the delay which had taken place in bringing this motion forward? Was ever a charge against a Member of this House postponed for a month or six weeks, on so frivolous a plea as that advanced by the learned Member to-night? The plea was one of that feeble, or rather desperate character, which one occasionally heard at Quarter Sessions. It had no substance —it was mere pettifogging. The hon. and learned Member gave notice, upwards of a month ago, that he should call the attention of the House to the evidence taken before the Carlow Election Committee. Why did he not then specify what the nature of his motion was to be? Why did he suffer the House—why did he suffer me, against whom the charge was to be brought—to remain in total ignorance of what his motion was to be, till three days ago. Has his conduct to me been fair? It never happened to anybody else in this House to be treated as I have been by the hon. and learned Member for Bradford. What is the learned Member's excuse for treating me in this way? Why, that hon. Members would not read the Report of the Committee during the vacation; therefore he postponed his motion till after the vacation. Because hon. Gentlemen would not read the Report during the vacation, he gave them the whole of the vacation not to read it in. That was the real English of it. I repeat, that I do not now stand up here to defend myself;—I rely on the Report of the Committee. The hon. and learned Member has not called for the appointment of another Committee; if he had, I would have seconded his motion, because I never would shrink from inquiry. I confess, however, I should have been sorry to have been compelled to do so, out of respect to the Gentlemen who composed the former Committee. I have political animosities, the hon. and learned Member says, I have political purposes. To be sure I have. Is it a crime in a Member of Parliament to entertain a political purpose? In this case, the hon. and learned Gentleman accuses me of political corruption, and to support his accusation, he reads a letter of mine, in which, having a son of my own already returned for a borough, I offer to sacrifice 1,000*l.* to procure his return for a county. And the intellect of the hon. and learned Gentleman is such, that he reads this letter as a matter of charge against me. This puts me in mind of a counsellor at the Irish bar, who was counsel on one side and of use to the other. The hon. and learned Gentleman reads that letter to prove my political corruption. The original charge against me was that of pecuniary corruption. It was so stated in *The Times*. *The Times* no doubt made a great deal of money by me. It was so stated in *The Morning Post*, and I suppose I was a small matter of gain to *The Post* too. The original charge was a charge of pecuniary corruption. But the hon. and learned Member for Bradford feeling, that facts were too strong against him, the moment I claimed an acquittal from that charge on his own assertion, he instantly withdrew it. Now he puts it forward again. But I will not trespass on the House. If I have been a little more warm than I ought to be, hon. Gentlemen will perhaps find an excuse for me in their own bosoms. I stand on the Report of the Committee—until that is set aside I can afford to despise the little cavillings of little minds. I beg pardon of the House. I have done.

Mr. *Ridley Colborne* assured the House, that he should gladly abstain from troubling it with a single observation upon this subject, but having been compelled most reluctantly to sit upon the Committee, before which the inquiry into the hon. and learned Member for Dublin's conduct took place, he felt, that if he remained wholly silent on this occasion, it might be supposed, that he acquiesced in the observations which had been made by the hon. and learned Member for Bradford. When the subject was first discussed, he felt, that there were too many on both sides of the House, who looked rather for triumph than for justice, and kept their eyes rather upon the individual accused than upon the case to be adjudged. He now felt, that when he called upon the House to affirm the resolutions of the Committee, the Committee in point of fact had but very imperfectly performed its duty. Nay, he should say, that it had grossly neglected its duty; for what should it have done? It should have made a special report, more strongly expressive of its opinion of the matter which had been under its consideration. How was the Committee formed? He thought it impossible, that one could have been more fairly constituted; and two Gentlemen of the highest legal attainments were appointed as nominees. His opinion might not be worth much on this occasion; but he had served upon many Committees, and he could confidently say, that he never saw one more determined to act fairly, more determined to lay aside all party bias, more determined to come to a decision right and just, than that which was appointed to investigate the alleged misconduct of the hon. and learned Member for Dublin. As to the two Gentlemen who were appointed nominees, the best eulogy that he could pass upon them was, that they had on this occasion fully acted up to the high and honourable character which they had previously obtained. The Committee decided, that they would leave the conducting of the case entirely in the hands of the nominees—that they would refrain from examining any of the witnesses themselves—and this resolution, throughout the whole of their proceedings, was strictly adhered to. It could not be doubted, that they did right in adopting that course, because they all felt, that in the situation in which they were placed, if they began to examine witnesses themselves, they would be apt to degenerate into partisans, and insensibly to sacrifice that feeling of strict impartiality which each was anxious to retain. Their Report was now before the House, and he believed it to be an honest and a just one. All he would say of it was, that he adhered to every word of it. He was satisfied, that it must have been a just one, because if it had not it would have been impossible that it could have received the unanimous acquiescence of a Committee so formed as the Committee was. He had trusted, that the Report of a Committee so formed, would have prevented any further discussion upon the subject. The Report completely acquitted the hon. and learned Member for Bradford from any party or factious motive in bringing forward the question in the first place. He had no doubt, that the hon. and learned Gentleman now felt, that it was only his duty to repeat the experiment; but he (Mr. Ridley Colborne) confessed, that his mind did not suggest the justification. When he stated that, it must be understood, that he (Mr. Ridley Colborne) did not stand up there to defend the letter of Mr. O'Connell, which had been so often referred to. Upon that point he concurred completely in the words of the Committee. Nay, he did not hesitate to avow, that the whole tone and tenor of that letter were calculated to excite much suspicion, and to lead to much grave animadversion. He knew very well, that the effect of a communication of that kind depended very much upon the character of the mind to which it was addressed. But he must be allowed to say, that after a full investigation of the circumstances under which that letter was written—in the total absence of anything like a pecuniary taint being cast by the evidence upon Mr. O'Connell's conduct—with the evidence of Mr. Vigors, corroborated as that evidence was by the testimony of Mr. Fitzgerald and Mr. Buller—he said with that evidence before them, and in the absence of any pecuniary taint on the character of Mr. O'Connell, was it possible for the Committee to come to any other conclusion than it did? He wished briefly to call the attention of the House to a few points of the evidence. He assured the House he would not go much into details. But in the first place he begged to ask whether, on the first day, that the hon. and learned Member for Bradford mooted the question, the House did not expect a very different case to that which was brought forward in the evidence. Did they not expect to find, that Mr. O'Connell had made the first advances in the matter—that he had made the first offer to Mr. Raphael? And when they heard of money transactions and long-winded Bills, did they not think that some pecuniary taint would attach to Mr. O'Connell? He owned, that he did; and he thought it would be very difficult for the hon. and learned Gentleman to refute the charges which were to be brought against him. Let the House now see whether there was any ground for these charges; and perhaps the hon. and learned Member for Bradford would allow him to say, that he thought there were parts of the evidence which would have thrown the real facts of the case out much more strongly than he succeeded in doing in the observations he thought it proper to make. In page eighty-two of the evidence the following information was derived from Mr. Vigors:—

"Had Mr. O'Connell's name been mentioned or suggested by you before Mr. Raphael, in answer to your question of who the friend was, that he wished to consult, named Mr. O'Connell?—Mr. O'Connell's name had been mentioned, but not as the friend or negotiator; we had mentioned his name, for in fact, I had been speaking of other candidates, to whom we should most likely apply, in case of his refusing us, and in order to urge him to an immediate decision, I mentioned that there were other names, and in the course of that conversation Mr. O'Connell's name was incidentally introduced; but the proposition of leaving the settlement and completion of the treaty to Mr. O'Connell originated entirely with Mr. Raphael.

"Was Mr. O'Connell mentioned in any way except as you have stated, as the person who would be in communication with others likely to become candidates, or in any other way except as referee, as you have now mentioned?—In no other way except as referee.

"Did you endeavour to see Mr. O'Connell after that?—I made it a point to see him as soon as possible afterwards.

"And how soon did you see him?—The same evening.

"What communication did you make to Mr. O'Connell?—I mentioned the conversation that I had had with Mr. Raphael, and I told him that I wished he would follow it up, and I mentioned the particular terms on which I authorised him to conclude the arrangement with Mr. Raphael.

"Will you be so good as to state what the terms were?—The terms were those which I proposed to Mr. Raphael—1,000*l.* to be paid immediately, and 1,000*l.* to be paid on his return."

Then again, in page 83, Mr. Vigors was asked—

"When Mr. O'Connell was referred to, was there anything said or understood, as far as you could collect from what passed, that Mr. O'Connell was to have anything to do with the distribution of the money?—Certainly not.

"To whom was Mr. O'Connell to account for the money?—He was to account to me on behalf of the liberal committee; Mr. O'Connell was but the banker in whose hands it was deposited, and to whom we were to apply as we wanted the money."

Again, in Page 87, Mr. Vigors was asked—

"Had Mr. O'Connell anything to do with the distribution or application of that money? What was the reply?—Nothing upon earth."

Further on, Mr. Vigors was asked—

"Is the Committee to understand that Mr. O'Connell, in every part of this transaction was merely your agent?—I considered him, throughout the transaction, as my agent—that is, as the agent of the chairman of the committee; but as the agent of the committee, I should say more correctly—my agent merely as the chairman and organ to that committee."

He now came to a part of the evidence to which he was particularly anxious to direct the attention of the House, because it referred to those bill transactions upon which the hon. and learned Member for Bradford had laid so much stress. In page 117, Mr. Vigors was asked—

"Did you accept the bills for the balance for your own convenience or for Mr. O'Connell's accommodation, or for what other reason?—I received them with as much ease and satisfaction as I should have done the cash. Mr. Fitzgerald, at the same time, mentioning to me, that Mr. O'Connell had particularly desired him to say, that if I wished for cash, he would send me cash instead; I said that it was of no consequence."

Now, that was one point which he (Mr. R. Colborne) thought should not be forgotten. He was unwilling to detain the House on points of evidence upon which he thought there could have been but one opinion; but after the course which the hon. and learned Member for

Bradford had taken that evening, it was necessary that he should refer to one or two more passages, even at the risk of fatiguing the House. But before he proceeded further, he could not help expressing the deep regret he felt at the motion which the hon. and learned Member had now brought forward. He confessed it appeared to him to be most injudicious. He saw no practical good that could possibly arise from it. The only effect of it could be to excite a great deal of personal feeling, which had much better be repressed. In another part of the evidence there occurred this passage:—

> "Are the Committe now distinctly to understand from you, that the 2,000*l.* paid by Mr. Raphael was expended in the legal expences of the election, and in the defence of the petition?—Every shilling of it was expended in what I consider legal and necessary expenses, and what I am advised are legal and necessary expenses.
>
> "Was the 2,000*l.* always forthcoming when you applied for it to Mr. O'Connell, and when paid in bills at long dates, was there any loss or delay attending them?—The money was forthcoming the very instant it was wanted and called for, and the transaction respecting bills did not cause us to lose one shilling of the money; nor was there loss to any individual in consequence of those bills."

Now he hoped it was unnecessary for him to assure the House that if the least doubt had remained upon the mind of the Committee upon these points, they would not have screened Mr. O'Connell more than the least able man in the House. He respected and admired the ability and talent of the hon. and learned Member for Dublin as much as any man; but at the same time, he had never been in the least degree averse to express the regret which he felt at the use which the hon. and learned Gentleman sometimes made of his talents. But notwithstanding the use which the hon. and learned Gentleman might sometimes make of his talents, should not strict justice be done to him? In the same way he admitted the power—the dangerous power—if the House pleased, which the hon. and learned Gentleman possessed in Ireland—a power which the hon. and learned Gentleman himself confessed no man ought to possess, and a power which he must be permitted to observe no man could possess without sometimes exercising it prejudicially for his country. But what was the source of the hon. and learned Gentleman's power? The intemperate conduct of his opponents. Still he thought they attributed to that hon. and learned Member a sort of imaginary influence, which their fears induced them to suppose he had it in his power to use to the detriment of his country; and he (Mr. Colborne) was not sorry at having the opportunity of expressing his total disbelief of any such thing. There was one point to which the hon. Member for Bradford alluded at the close of his speech, to which he (Mr. Colborne) was anxious to call the attention of the House, inasmuch as it might appear that the Committee had neglected a portion of their duty, be meant the question of the baronetcy. In the first place, he very much doubted whether the Committee were either bound, or even had the power, to enter into that matter. Was it a Parliamentary offence? If there had been any proof at all that Mr. O'Connell was playing with the feelings of Mr. Raphael, by pretending to have an authority which he did not possess, or, if it had appeared in any way that the Government had lent themselves to any such exercise of the Royal Prerogative, he would then say, that it would have been, in the one instance, a most unjustifiable proceeding, and in the other instance, a base prostitution of patronage. But he knew nothing of the matter beyond what common report gave of it; and certainly it seemed to him, that no sooner was the charge put forth, than it was laughed at by everybody. For what was it, after all, beyond this—that one gentleman was weak enough to expect that he might get a baronetcy, and the other was vain enough to think he could get him one. He, therefore, thought, under such circumstances, that the Committee was fully excused from entering into that question. He should regret exceedingly if this House were to come to any vote indicative of an opinion that the Committee had neglected their duty, that they had avoided any part of the inquiry, or had shrunk from any portion of the investigation. Even if a respectable minority were to come to that conclusion, he should certainly lament it, and might doubt the accuracy of the judgment to which the Committee had arrived; but if the whole House did come to such a vote, he would not repent the decision of that Committee, because he felt that that decision was grounded conscientiously, fairly, and without favour or affection, upon the conviction of their own minds, and without party bias; and he was quite certain, that neither he nor any other Member of the Committee would ever blush at having put their names to that Report. It was impossible then, for him to assent to the Resolutions of the noble and learned Member for Bradford. He thought it would be throwing a slur upon the Committee. The hon. and learned Member might, indeed, say, that he did not mean that. But what was the Committee appointed for. He imagined it was their business to look fully into the case, and he thought they would have done exceedingly wrong, and have inadequately performed their duty, if they had omitted to investigate any point that could bear upon it. He would not trouble the House any farther; but would conclude by moving the previous question. Lord John Russell and several hon. Members [*No! No!*]. Then he would leave the Question in the hands of the House.

Lord *Francis Egerton* said, that the same reason which had induced his hon. Friend opposite to take an early opportunity to address the House, also induced him to come forward at the present time. He for himself felt that in the course of this discussion something like censure was unavoidably implied, though not expressed in the terms, upon the conduct of an inquiry, on which he need not say (because it was what every Gentleman had of himself said, or would say) that he was a most reluctant Member. Indeed, not to have been reluctant would have implied the same kind of inclination to come before the observation of the public which had distinguished some individuals who had figured in the inquiry. But having stood in a judicial situation, and attended that investigation, he must say that it was not with a view of influencing the opinion of the House upon the question before them that he now addressed them. The House would take its own view of that question; but it was with a view of explaining the course which he took upon that occasion, and of calling upon the House to judge whether, after the explanation of himself and of his hon. Friend, it should think proper to pursue this subject further or not. Great as was the respect he felt for the decisions of that House, and anxious as he must be to earn and deserve its esteem upon any and every occasion, he must say, that that decision was one of comparative indifference, while he could feel satisfied with himself as to the course which he pursued upon a judicial inquiry involving considerations of conscience, justice, and honour. Feeling that satisfaction, it was a matter of indifference what the opinion of that House might be, or what the opinion of the public at large might be. The subject of that inquiry came before the Committee in something like a twofold shape. There was a great question connected with that inquiry, affecting, as it did, no less than the character of an hon. Member of this House, on a question of a pecuniary transaction. Certainly he did think at the beginning, coming to that inquiry as he did, not prepared or instructed by a careful perusal of those documents, from the publication of which the inquiry had originated, but only from a cursory perusal of them, that the great and germane part of the charge was that which involved the character of the hon. and learned Member with regard to a pecuniary transaction. He confessed, that when he heard his hon. Friend, the Member for Bradford, on the first occasion on which this question was introduced to the House, say, that he acquitted the hon. and learned Member for Dublin from all pecuniary corruption, he did feel some surprise; for looking at the letters that had been published, although he was not inclined to believe, that the charge would be made out in evidence, yet he did feel that those letters contained the substance of an allegation to that effect, and he felt from the beginning, that the hon. and learned Gentleman was, in fact, on his trial upon that first question. Undoubtedly, whether that question being disposed of, others remained behind on which it might be the duty of the Committee to have reported further and more at length than they had done might be a question for the House to consider. But speaking for himself, and of his own motives, it was the pecuniary question to which he had principally addressed himself in Committee. Some hon. Gentlemen might imagine that it was the duty of Gentlemen serving on the Committee to look, in the first place, at the particular situation and station in the country of the hon. and learned Gentleman who was the principal subject of inquiry; and it might also have been the opinion of others that there were precedents of no very long date which might have justified Gentlemen, who occupied stations on the opposition side of the House, in exercising any stretch of political ingenuity in bringing any subject connected with election transactions within the grasp of a resolution of that House. But for himself he did not feel that it was his duty on that occasion to divest the hon. and learned Gentleman from all the circumstances which might have connected him with any party in the country, and to look neither at his station, position in the country, his talents, or his influence, or at what he, in accordance with the opinions he entertained, might call the faults, errors, and delinquencies of his political conduct. With regard to the second question involved in the inquiry, he would say, that taking his own view (which might be erroneous) of some proceedings that had taken place in that House with regard to election transactions, and of the spirit in which those proceedings were carried on, they were, some of them at least, the very last which he in any capacity would condescend to imitate. Well, the inquiry proceeded, and in his judgment, and he believed in the judgment of every gentleman of the Committee, those charges were removed and disproved by the course of the evidence taken before them. The hon. and learned Gentleman then himself stood before the Committee, having gone through the ordeal of seven days' inquiry on charges of so grave a nature. "During the course of that inquiry (said the noble Lord) I am bound to say, that the conduct of the hon. and learned Member was such as a man of sense, talent, and understanding, who felt himself innocent of those particular imputations under which he laboured, would naturally have displayed on such an occasion; I mean with regard to those imputations of a pecuniary nature. I believe I am correct in saying, that the hon. and learned Gentleman went rather farther than was necessary in affording to the Committee materials required for pursuing the investigation." With regard to the general transaction (the noble Lord proceeded to say) which placed Mr. Alexander Raphael for a brief period in possession of a seat in that House, as Member for the county of Carlow, he thought it might be pretty well inferred from the general opinions already expressed by him, that that transaction was not one which in every respect could meet with his approbation. He looked upon it at the beginning, and he looked upon it still, as a proof of that extensive system of dictation which prevailed at the last general election in Ireland, which he entirely deprecated and disapproved. But it was a different question from the one to which his attention had been directed in the Committee; and it became with him a matter of consideration, whether it was one which it was necessary, useful, expedient, or just, to endeavour, by making additions to that Report which the Committee had presented to the House, and which he thought was unexceptionable in terms as far as it went, to bring the conduct of the hon. and learned Gentleman, and the other parties concerned in that transaction, within the grasp of the resolution, or the penal proceedings of that House. It had come to his knowledge, not personal knowledge, but he was informed on unquestionable authority, that in the course of the last session that hon. and learned Gentleman had attended on a Committee of Inquiry into charges made against an individual—he attending as a member of the inquiry, and not as the subject of it—and that upon that occasion, when the grounds of the imputations against the individual in question had been disposed of, the hon. and learned Gentleman had come forward and stated to the Committee, that, as those charges had been cleared away, he would advise the Committee not to drag that individual through a further inquiry into minor points; but give him the benefit of that ordeal through which his character and reputation had already gone. He mentioned this, because, having that information in his possession, he did not, after the evidence respecting the allegation of pecuniary corruption had been taken, and that allegation disproved, bring this circumstance forward before the Committee, because he felt that in doing so he might have appeared to be taking credit to himself in complimenting the delicacy of the hon. and learned Gentleman on a point upon which he (Lord F. Egerton) conceived that justice was due to him. But it did happen, that the task of communicating that information devolved upon a member of that Committee by no means open to any suspicion of bias in favour of the hon. and learned Gentleman. But he must fairly say, that if, when the Committee met to prepare their Report, the discussion that took place had required it, he should have given that information to the Committee. He confessed he was not one of those who felt any strong inclination to bring forward in that House any question which came under that wide name of "a breach of privilege." Speaking for himself alone, he might, he believed, say that his hands were as clean as most men's in that House; but if every action of a man's life were to be made the subject of charge, and if every circumstance which the privileges of private society sanctioned were to be brought forward as matter of accusation and investigation, he would say that there was not a subject upon which King's evidence would not, on some occasion or other, be found. He scarcely knew whether he might not himself, on former occasions, have been brought, or might not on some future occasion be brought, within the grasp of a resolution of that House—a tribunal, by the bye (and he said it with all possible respect to the House), which was extremely ill adapted to come to a just judgment upon the conduct of any of its Members, and before which he should be very unwilling to appear, so long as there existed other tribunals which could take the charge under their cognizance, and upon which it was peculiarly their province to decide. He felt that the charges against Mr. O'Connell were precisely of that nature which brought him under the judgment of a tribunal influenced by a difference of political opinion, and therefore any decision of the Committee, which might have been pronounced as just, by 200 Gentlemen of his own side of the House, might very possibly have been called persecution by 250 Gentlemen on the other side of the House. It was upon these grounds that his own conduct was governed in not endeavouring to place upon the Report of that Committee words that embodied any opinions of his own with regard to that transaction. Not having taken that opportunity to state in the Report his opinion on that transaction, he might be justly told, that he was now too late if he went at length into any criticism or observation upon it. But he must say, that speaking on that (the Opposition) side of the House as he did, he had been surprised to hear that the motives and conduct of himself and the other Gentlemen who had formed as strong an opinion on the subject as himself, and who had been more active than he had, considered it his duty to be in bringing forward this question, had been accused of conduct ill becoming them as Members of this House, and in language which, if truly reported, he confessed filled him with astonishment. Whatever might have been his conduct on that Committee, he did think, that the circumstances which led to that inquiry were not such as to induce any man to take the matter up with that warmth and ardour which it appeared had been done; and he confessed he was astonished to find that it had been designated as a "foul conspiracy." If he stated any expression of any Gentleman from the Reports to which they all had access, namely, those of the daily newspapers, he trusted he should be heard by those who furnished it. According to those Reports, the conduct of the Gentlemen who had interested themselves in this subject had been called "the foul conspiracy of a dying faction." He should be glad to know, if he could obtain that knowledge, who were the persons who came under the denomination of that faction. He should be still more happy to know, even if that faction existed, how that "foul conspiracy" was to be applied to a charge which originated in the letters of Mr. Raphael. The House knew well how those letters were obtained. It was not ignorant of their source—the questionable source he admitted—and he had no great regard for its stream, or for its purity; but they knew whence it flowed. His hon. Friend who brought forward this motion did not find these letters in the street. He did not steal them. But if the epithet of a "dying faction" alluded to that party in the country which was not inconsiderable in number, and he believed not usually reputed very low either in character or in intellect, call it by what name they pleased, for he did not shrink from the name of Tory, or the milder appellation of Conservative; if that were the party to which the epithet of a "dying faction" was applied, he would only say that, whether about to die or live, it was a faction of which he should, as long as he lived, be always ready to avow himself a humble but sincere Member. But where was the proof of that conspiracy? He confessed he did not know where to look for it. He did think that the hon. and gallant Member opposite (Sir Ronald Fergusson)—for undoubtedly he must have recognised himself as being the supposed source from which these expressions came—was bound to point out to the House the proof of that conspiracy. For the age, station, and public services of that hon. and gallant Gentleman he entertained the highest respect; but this he must say, that if those expressions were correctly reported, he did think that if the hon. and gallant Officer had not kept his reason more clear, and his judgment more unclouded, in the smoke of Vimiera than in the atmosphere of the town of Nottingham, the pages of Colonel Napier, instead of setting forth his name and fame in brilliant characters might probably have told another tale. It had been stated of himself in the papers of this metropolis, that he said in the Committee, that if it was necessary for him to deal with the character of a certain individual concerned in that inquiry, he should find it difficult to measure his expressions. That expression he would neither endeavour to palliate or retract. But he did complain, that it was neither fair towards that individual, nor perhaps to himself, that any casual expression he might have made use of in a Select, and at the same time, Secret Committee, should have been so circulated without his authority. Some such expression—the words he did not precisely remember—he did apply to that hon. Gentleman. It was, with reference to some resolution proposed to be passed by the Committee, and added to the Report, affecting that Gentleman's conduct. On that occasion he did say, that they could not pay a worse compliment to the hon. and learned Member for Dublin, than by adopting any resolution which should contain the information that the individual alluded to had ever been selected by him as a Member for an Irish county: Having used those expressions, and as they had been put before the public, he did not wish that they should be construed in a more severe sense than he intended to use them. He might find it difficult to measure his expressions of Mr. Raphael; but certainly he found it more difficult, having mentioned the name of that gentleman at all, to apply language to him in a place where he had no immediate opportunity of reply. What he (Lord Francis Egerton) meant to imply by that expression was, that Mr. Raphael appeared to be influenced by that passion for a spurious notoriety which led to conduct marked with much folly—more particularly at an age to which he had arrived—which was generally allied to some pride, and which very frequently, until events, or the influence of time, changed its character, passed current under the stamp of patriotism. Engendered as such a character was by personal vanity, it was naturally attended with an acute sensibility to the various mortifications and disappointments which in the world we lived in formed a just punishment for the follies and vanities of our conduct. It was that feeling of mortification which induced Mr. Raphael, perhaps unconsciously so, to place Mr. O'Connell in such a light before the country as he had attempted; but, with his knowledge of the facts, he clearly had no right to bring that hon. and learned Gentleman either before that House or the public. He (Lord F. Egerton) knew not what the effect of Mr. Raphael's letter might have been on others, but he confessed the effect on his mind was, that Mr. O'Connell could hardly have done other than feel obliged to the hon. Gentleman who brought forward this question, which had afforded him an opportunity of disproving the charges elsewhere, which it would have been scarcely possible for him to have done satisfactorily in the body of that House. This was his first impression in the beginning; though he must say, that if anything could have induced him to give a more ready credence to the charges against the hon. and learned Gentleman, it would have been the angry, and not very dignified, tone of recrimination upon others, in which the hon. and learned Gentleman indulged, when the subject first came forward. It would be for the House to consider whether it was to renew the inquiry, by entering further into the matter, or to let the matter rest as it was. For his own part he should consider it perfectly inconsistent with the course he had already pursued, and an act of injustice towards the hon. and learned Gentleman, to do other than give his assent to the proposition of the hon. Gentleman opposite, and to vote for the previous question.

Sir *Ronald Fergusson*, having been personally alluded to by the noble Lord, hoped the House would allow him to trespass on their attention for a few moments. In the first place, he could assure the noble Lord, that in any expression he might have used in the speech quoted by the Noble Lord, it was most remote from his intention to make allusion to the noble Lord, or to any of the friends who now surrounded him. He did say that there was a faction in this country, but which he trusted was almost extinct. He did not know whether his words were correctly reported or not, for he seldom read the reports of his speeches, but what he stated on the occasion referred to was, that let any administration whatever be brought into power — and he was then speaking of the party who acted conscientiously—he meant the high Tories—they must not only promise to act liberally, but must fulfil that promise. He thought he had stated his own words correctly, and he now begged to repeat them before the House. But, if he did throw any sort of slur upon certain persons, it was not, certainly, upon the Members of the Committee, nor the great mass of Gentlemen whom he had then the honour to see on the opposite side of the House; but, in his conscience, he believed, that those letters that were brought before the public, were brought to light by a conspiracy. He called it a conspiracy when a body of men, who, being very little, or hardly known to Mr. Raphael, held constant communications with him, and never left his house (which he supposed they had never seen before or since) till they got possession of certain letters, in order that they might use them to the injury of a third party. If there was any truth in that conjecture, and which he believed in his conscience to be true, it would be found out. He was convinced that, upon investigation, the names of the persons who got those papers might be discovered. With respect to the Committee, he begged to state, that as far as he could judge, as an old Member of that House, there never was a Committee of the House of Commons, composed as it was of men of all parties, where there prevailed such a determination to do justice. From beginning to end, strong as their political opinions might be, he did believe that not one single political opinion was ever advanced in that Committee. Referring again to the remarks of the noble Lord, he begged to say, that he adhered to the words he had used. What connection his military career had with the matter, the noble Lord was the best judge. He did not know whether, if he had been a Conservative, the service of the country would have been the better for it. But he again assured the noble Lord, that it was not to him, or to his friends, that he referred, when he spoke of a "foul conspiracy." He alluded to a lower class of men, and he most sincerely believed that the words he used with reference to that class of men, were most strictly justifiable.

Mr. *Barnaby* said, that as a Member of the Committee, he had prepared a Report, but the hon. Chairman having also done the same thing, his Report was withdrawn. The hon. Member then read his Report, which stated that Mr. Raphael agreed to pay a sum of money to Mr. O'Connell and Mr. Vigors, upon condition that they procured him to be returned a Member; that the money was not agreed to be paid for any illegal purpose; that the money had been received; and since paid to defray the expenses of the election of Vigors and Raphael, and of opposing the petition against their return. Such he believed were the facts.

Mr. *Warburton* quite concurred in the several statements which had been made respecting the perfect unanimity of the Committee in the Report to which they had come. The first point involved in the Report, to which he wished to allude, was that which laid some stress on the general tone and tenor of the transaction between Mr. O'Connell and Mr. Raphael; and he was desirous of stating in what sense he gave his concurrence to it. He did consider that Mr. O'Connell had acted with a singular want of caution in agreeing to terms so capable of misrepresentation as the terms of the agreement were. He considered it a singular want of caution in a Gentleman of the legal profession; and in no other sense whatever did he mean to convey any censure of his conduct. So far from wishing to imply that he entertained an unfavourable opinion of it, he drew from this very fact the most signal proof of the perfect fairness and equity of the whole transaction. Would a person who intended to be guilty of any criminal or unworthy proceedings, when engaged with a person against whom he had been cautioned, and of whom he knew so little—would he, if he had intended any guile, have exposed his whole conduct to investigation and remark, by entering into a written agreement, which must have convicted him, had he contemplated any sinister intention? By all that had fallen from the hon. Member for Bradford and other hon. Members, Mr. O'Connell was completely acquitted of any improper pecuniary motive in any part of the proceeding. He did not think himself called upon, therefore, to say one word upon the point. The hon. and learned Member for Bradford, however, in one remark which he had made upon the Report of the Committee, appeared to think that they had only acquitted Mr. O'Connell of pecuniary misconduct, and that they had altogether overlooked his infringement of the Act, to which he adverted in his third resolution. In short, the hon. Gentleman appeared to think that the Committee had no intention to acquit Mr. O'Connell of having made a corrupt bargain. Now he must beg to refer the hon. and learned Gentleman to the last clause of the Report of the Committee. It stated, that it appeared to the Committee that this money "has been expended by Mr. Vigors and others connected with the county of Carlow." He begged the attention of hon. Members to the words that followed, "in what may be called legal expenses, or expenses so unavoidable, that your Committee see no reason to question their legality." Now the third resolution which the hon. and learned gentleman had moved was to this effect:—"That such agreement as aforesaid is in violation of the statute passed in the 49th year of George 3rd., for preventing the giving or receiving of moneys, or any contract or agreement to procure, or endeavour to procure, the return of any person to serve in Parliament." How could it possibly enter into the conception of any man that it was possible for the House to pronounce Mr. O'Connell guilty of a violation of this Act, after the Committee had pronounced a decided and distinct opinion that the money was expended in legal expenses only? He would now read the proviso of the statute. It was to the following effect:—"Provided also, and be it further enacted, that nothing in this Act contained shall extend, or be construed to extend, to any money paid, or agreed to be paid, to or by any person for any legal expenses *bonâ fide* incurred at or concerning such election." He conceived, therefore, that when the Committee pronounced that the money had been expended in legal expenses, or in expenses so nearly legal, that they saw no reason to question their legality, Mr. O'Connell was acquitted by them of any charge that was, or could be made, or founded, on the Act of the 49th Geo. 3rd., on which the hon. and learned Gentleman relied in his resolution. He would not trouble the House any further. He had thought it unnecessary to advert to this point, because it had struck him as a most extraordinary circumstance, that when the hon. and learned Gentleman referred to the statute, he should have so completely overlooked this very important passage in the Report of the Committee.

Lord *John Russell:* Sir, I feel it incumbent upon me to state to the House, an accusation having been brought forward by one hon. Member of this House against another hon. Member, professing at the same time to set aside, by the resolutions of this House, the decision of a Select Committee. I say, Sir, I feel it incumbent upon me to state to the House my strong sense of the duty which now devolves upon it, to decide between that accuser and that Committee, and to declare, whether the resolutions of grave censure, which the former has proposed, shall be adopted, or whether the House is prepared to agree with, and to confirm, the decision of its Committee. It was for this reason that I interrupted my hon. Friend, who acted as Chairman of the Committee (Mr. Ridley Colborne) when he was about to propose the previous question, because I thought to agree to the previous question upon so grave a matter—leaving, in fact, the substance and the propriety of the course adopted by the hon. Member for Bradford, leaving the character and conduct of the hon. and learned Member for Dublin, and leaving, I must say likewise, the judgment and integrity of the Committee itself at once and together in doubt and uncertainty—would be to pursue a course which it is not fitting for this House, consistently with its character, to adopt. I must say, that in the few observations which I shall feel it my duty to offer, I shall enter but little into the case, scarcely at all into the evidence given before the Committee. I shall place myself upon the ground on which I think we ought to stand—that we have appointed a Committee, of the fairness of which, at the time of its appointment, no man expressed, or could express, a doubt, that that Committee conducted its proceedings as we have heard from its Members, and from the accused party himself, with the greatest attention and deliberation, and that that Committee — as appears as well I think from the opinions recorded in their Report, as from the speeches we have heard from its Members to-night—arrived at their decision, after a very grave and anxious consideration, uninfluenced by all party feelings, and guided only by their conscientious obligations. Then, Sir, I should say, such having been the course of the House, and we having before us the decision of the Committee, that unless some very cogent and strong reasons are shown to us for distrusting their opinions, or casting discredit on their integrity, the best course for us to adopt will be, not to re-sift and re-examine the evidence, but to trust to those who heard it given before the Committee, and to rest satisfied with the opinion which was the unanimous opinion of the various parties appointed upon it, and which was given as their deliberate decision to this House. Let me go back, Sir, to the appointment of the Committee, because I wish to show in what sense I was a party to its appointment, and to explain, as I trust I shall be enabled to do, the grounds upon which I ask the House to agree with me on the present occasion. In the first place, I will say now, although I never declared the opinion before, that it appeared to me, when I first read these charges, when I first read the letters, and compared them with the act of 49 Geo. 3rd, on which the charge in the public prints was attempted to be established, that I considered the whole accusations as of a very trumpery nature, founded, perhaps, upon blameable expressions, and founded upon conduct which, although not strictly conformable to that which ought to be observed, with reference to Parliamentary proceedings, is still totally free from suspicion, and which is pursued, again and again, on the occasion of every general election, by a number of persons who have no notion, no conception, that, by adopting that conduct, they are violating any of the orders of this House. Although I entertain this opinion at the outset, it appeared to me, that the best course to take was, not to bring this question into angry discussion in this House. I did not feel sure, that this House, which, by its own decision, had declared itself incapable, as a body, of deciding fairly and justly upon election matters, affecting the seats of individuals, might not have come, I will not say to an unjust vote, but to a decision without a proper consideration of the case, and thus have affixed to it a character which did not, in fact and in justice, belong to it. In saying this, I am imputing nothing to the party I now see opposite—nothing more, at all events, than the Grenville Act has imputed to all the Members of this House. I felt sure, that if we selected from this House a body of individuals—select them almost how we might—that they, Gentlemen of known honour, integrity, acting as individuals upon their individual pledges of responsibility, and with the honour and integrity of English Gentlemen, would decide according to the facts and the evidence, whether that decision might be advantageous to their own party views or no. Such was my expectation—on this point I was most anxious: and happy am I to say, that the event coincided with my anticipations. I was most anxious, that before the Select Committee was appointed, there should be no declaration of opinion, and no immediate discussion which could by possibility have the effect of influencing the feelings of its Members. The Committee was named, and, as I have already said, was universally allowed to be a fair one. I will not now allude—because I did not mean to lay any weight upon the circumstance—to the opinions of some of its Members; such as the noble Lord for instance who has just spoken. I rely upon the fact, that its Members were men to whom the House of Commons might safely confide the keeping of its Parliamentary reputation, and the preservation of its Parliamentary honour. After a deliberate and patient investigation, this Committee arrives at an unanimous decision. We have scarcely heard to-night, that there was any substantial difference of opinion on the subject matter of their report. Shades of opinion there might be. Different individuals might entertain different views of the proper mode of expressing their opinions in writing, but real and substantial difference there was none; the Committee were unanimous. We are then asked by the hon. and learned Member for Bradford wholly to set aside this decision, and not only to go back to the accusation which he stated to the House, when the question was first under consideration, but to sanction an abrogation of that opinion, and a declaration contained in his speech, and I think in his resolutions, amounting to a charge of pecuniary corruption, and other accusations which he formerly abandoned, but now, when the Committee have investigated the whole subject, again introduces. It is said, that the House is the fit and proper tribunal to decide between the hon. and learned Member for Bradford, and Mr. O'Connell. I totally differ from the hon. and learned Member. I give the hon. and learned Gentleman full credit for the motives which have induced him to bring the question forward, but I think he has totally misapprehended the evidence he has read. In all he has stated I could see nothing to bear out the grave charges he has made; on the contrary, the quotations made from the evidence by my hon. Friend, the Member for Wells, the Chairman of the Committee, appeared to me to be decisive of the facts—the simple facts—of the case. These facts are, that Mr. Vigors proposed to Mr. Raphael that he should become a candidate for the county of Carlow, that Mr. Raphael showed a great inclination to become a candidate for the county, but that Mr. Vigors intimated, that he would be expected to pay the expenses of the contest, he said he should be glad to have some certain amount of expense stated; and that then, as I think, Mr. Raphael states, if I have not mistaken his evidence, in consequence of his (that is, Mr. Raphael's) being anxious that the exact sum should be stated, Mr. Vigors mentioned the sum of 2,000*l.* Well, in consequence of Mr. Raphael's wish, Mr. Vigors names this sum of 2,000*l.*, and afterwards leaves the case to the decision of the hon. and learned Member for Dublin. That hon. and learned Member involves himself in the matter, as I think very rashly; and in terms which I think deserve the kind of intimated censure which has been passed upon them, for they are liable to much suspicion, pledges himself, in fact, to finish this sort of treaty with Mr. Raphael. Mr. Vigors then says, "I will take the 2,000*l.* for this election at Carlow." He does take the 2,000*l.*, and he does pay the election expenses. Such, denuded of the various circumstances with which they are involved, are the facts on which so much has been said. Now I ask, is it possible to found a charge against the hon. and learned Member for Dublin on such grounds as these? How is it possible for us to fix a charge of criminality upon that Gentleman for conduct which we all well know takes place at every election, when Mr. O'Connell neither received any money for himself, nor was a consenting party to expending it in corrupting the electors, and, therefore, is not guilty on both the counts which a noble Friend of mine said were involved in the charges—either of pecuniary corruption on his own account, or in being a party to corrupting the purity of the electors of Carlow? Such being the state of the case, I, for one, call upon the House to confirm the Report of their own Committee, and to agree to an amendment.

Mr. *Williams Wynn:* I rise to order, Sir. I understood the hon. Gentleman, the Chairman of the Committee, to move the previous question.

The *Speaker* understood that the hon. Member, the Chairman of the Committee, was about to move the previous question when the noble Lord (Lord John Russell) interposed, and that he then concluded his speech without doing so.

Mr. *Williams Wynn* regretted that he had interrupted the noble Lord. After what had fallen from the right hon. Gentleman in the Chair, he had no doubt he was mistaken.

Lord *John Russell:* I have no doubt the right hon. Gentleman was mistaken. Directly my hon. Friend intimated his intention of moving the previous question, I interposed and objected to his doing so. No previous question was moved by my hon. Friend, nor has any such motion been put from the Chair.

Mr. *Law* rose, and said, I submit to you, Sir, that the motion was made by the hon. Gentleman, and seconded by the noble Lord near me (Lord Francis Egerton), and that it should be put from the Chair. [*Loud cries of* " *Order!*"]

The *Speaker:* If I am in error upon the point, I very much regret it; but I certainly understood the fact to be as I have already stated it to the House. The hon. Member, the Chairman of the Committee, intimated his intention of moving the previous question. In consequence of his having done so, I regarded the conclusion of his speech attentively; but I certainly did not understand that he concluded with any motion. If I misunderstood the hon. Gentleman I am extremely sorry for it; but this was my impression. If it be correct, the hon. Gentleman will confirm it; if incorrect, the hon. Gentleman will set me right.

Mr. *Ridley Colborne*: I beg to state distinctly, Sir, that your understanding of what occurred is perfectly correct. I stated at the commencement of my speech, that I decidedly objected to the resolutions of the hon. and learned Member for Bradford: and that it was my intention to move the previous question. As I was proceeding to do so, I was interrupted by the noble Lord and other hon. Members, and I concluded by saying, that I left the question in the hands of the House.

Lord *John Russell* again presented himself, but the confusion on the Opposition side of the House was so great that the noble Lord was quite unable to proceed. After a short time,

Mr. *Methuen* said, Sir, I rise to order. Hon. Members opposite are interrupting the noble Lord, without having any claim whatever upon the House. I submit to you, Sir, that this proceeding is highly irregular.

Lord *Francis Egerton* merely wished to say, that if the Speaker had misapprehended what actually occurred, he had also the bad fortune of not having a right conception of it. He certainly had been, from the beginning to the end of his speech, under the impression that the hon. Member had signified his intention of moving the previous question; and he had said—not that he seconded the motion, but that he would support it.

Mr. *Law*: Sir, I rise to order. I apprehend it is open to any hon. Member to take upon himself the burthen of speaking to order. I rise to order. I distinctly heard the hon. Gentleman, who has addressed the Chair (Mr. R. Colborne), state that he intended to move the previous question. I as distinctly heard the noble Lord who has just sat down, say at the conclusion of his speech, that he intended to second it. I submit, Sir, that as one hon. Member has signified his intention of moving the previous question, and another hon. Member has spoken in support of the motion, it cannot be withdrawn without the permission of the House, and should be put from the Chair.

Lord *John Russell*: The misconception was a very natural one, Sir, no doubt; but I hope it is now cleared up, and that it is distinctly understood that, in point of fact, no amendment has been put. No question having been put from the Chair, I have reserved to myself the right, and that right I mean to claim, of moving an amendment myself. I was about to state, that this Report having been drawn up as a continuous Report, and not in the form of resolutions, I cannot move that it be read as a series of resolutions, and that the House agree to the said resolutions. I can, however, move a series of resolutions, which are drawn up in conformity with, and are in the exact terms of, the Report of the Select Committee; and this, Sir, is the course which, before I sit down, I mean to pursue. There is one other point, however, upon which the hon. and learned Member for Bradford touched, to which I must first advert, and his allusion to which renders it, in my mind, still more necessary that the House should pronounce some more decisive opinion upon the subject than they would by agreeing to the previous question. The hon. and learned Member for Bradford has brought down several resolutions; but if the House adopt one upon the point to which I am about to advert, it will, in effect, criminate Mr. O'Connell to a very great extent. The hon. and learned Gentleman says, that Mr. O'Connell, having in his hands the sum of 1,000*l.* belonging to Mr. Raphael, did at that time apply to the Government to have Mr. Raphael made a Baronet. This I understand to be the statement of the hon. and learned Member for Bradford, and which, although he did not so put it—

Mr. *Hardy*: It may save the noble Lord some trouble if I state what I did really say—namely, that Mr. O'Connell had, on the 3rd of August, to his account, in his banker's hands, money, to the amount of 900*l.* or 1,000*l.*, belonging to Mr. Raphael, and that at that time he made the offer of a baronetcy to him.

Lord *John Russell*: I will endeavour to repeat the words of the hon. and learned Gentleman, and if I am again wrong he will correct me. What the hon. and learned Gentleman has now stated is, that Mr. O'Connell, having in his banker's hands 900*l.* or 1,000*l.* belonging to Mr. Raphael, did, at that time, make an offer of a baronetcy to him. I understood that statement to mean—the hon. and learned Member will correct me if I am wrong in this—that Mr. O'Connell, having in his possession, money of Mr. Raphael's which he had not accounted for, did endeavour to prevail upon Mr. Raphael to accept an honour, which he represented it to be in his power to offer, as a compensation or equivalent for the settlement of that account. [*Loud cheers, and a cry of "No!"*] No! The hon. and learned Member for Bradford did not exactly say this, in terms, but with what motive did the hon. and learned Gentleman couple the two facts together—for what possible reason he put this account in his banker's hands, on the one side, with the offer to make Mr. Raphael a Baronet, on the other, I cannot understand, unless it was with the intention of imputing some criminality of this kind to Mr. O'Connell. Sir, I say that it is most unfair and most unjust to make an accusation of this nature, and not to put it in the shape of a direct charge. I say, that it is most unfair and most unjust to bring forward a variety of resolutions embodying the acts of Mr. O'Connell, declaring that he has been guilty of a breach of privilege, and a violation of the Act of Parliament; and yet to make this an insinuation instead of a prominent charge. What is there after all in this proposal which has been made the subject of so much discussion, to get Mr. Raphael made a Baronet? What is there, but that Mr. O'Connell suspected Mr. Raphael had suffered very much from the transaction, and that his vanity would be gratified by the offer of a baronetcy? I think it was exceedingly improper in Mr. O'Connell to write any such offer, or make any such offer, but to found on this circumstance a charge of criminality is the very utmost height of extravagance. Nobody has ever proved, nobody has ever attempted to prove, that Mr. O'Connell ever, in connexion with this transaction, asked any Member of the Government to make that compensation to Mr. Raphael, still less has any hon. Member attempted to prove that any Member of the Government ever listened to such a proposition; and not now finding Mr. Raphael to be any other than he was, what a failure is this on the part of Mr. O'Connell. Here is a man who, it is said, every day, every morning, every noon, every night, in both Houses of Parliament, is the man who directs the whole Government—the man who can do everything he wishes—the man who reigns paramount in Ireland—under whose supremacy the Lord-Lieutenant does nothing but obey his dictates and fulfil his directions—and yet, after all, this all-powerful man is totally unable to prevail on any Member of the Government to make the Sheriff of London a Baronet. All the charges are trumpery; but this, after all, is the most trumpery, the most frivolous, the most contemptible of the whole. I really wonder that the hon. and learned Gentleman who has studied the subject so much, should have thought it worth while to say anything about it. I will conclude by stating my opinion of the whole transaction, and the manner in which it has been brought forward. I do not believe that my hon. and gallant Friend whose speech has been referred to to-night (Sir Ronald Fergusson), meant any such thing as that the party I see opposite were engaged in any plot or conspiracy to ruin Mr. O'Connell on a false accusation; but this I do say, and I do believe—that the minds of many have been warped and perverted on this subject, by the grossest misrepresentations, got up by dirty and base creatures; who, seeing the cause of liberal Government going onward in England, and the cause of religious liberty flourishing in all parts of the United Kingdom, have thought that, if they could not withstand the mighty and irresistible arguments by which the great and holy cause is supported—that if they could not overthrow the reasons and arguments in which the best and brightest men who have lived during the last century in England, have concurred, they might at least be able to fix upon an individual of great influence in Ireland, to endeavour to fasten upon him the stain of criminality; and through him to injure and subvert the cause with which he is intimately connected. I have said, already, that I did entertain some fears, that if this question had been brought forward at an earlier period, a great portion of the Tory—or, as the noble Lord has said, to use a milder term, "Conservative"—party, might have been induced to take a part in these false, unfounded, and gross accusations. But I am glad to see that, by the course this House has pursued, in appointing a Committee of men who were to act in their individual capacity, that great party is saved from this great disgrace. They have had nothing to do with this disgrace; on the contrary, they have proved on the Committee, that whatever their objections to the individual, whatever their dislike of his political conduct, whatever their dread of his political influence, they were ready to do him the fullest and most impartial justice, when he was brought before them as a judicial tribunal. I ask the House of Commons to ratify the honour of those Members and of that party, and to agree with me in sanctioning the proceedings of that Committee. And sure am I that we shall all have reason to rejoice, if, upon a subject so peculiarly calculated to excite party animosities, we are able to say, that an accusation having been brought forward against a popular leader, which a large party in the House of Commons might have made their own, they shrunk from that which they thought was an injustice, and all concurred with those who were the most opposed to them in politics, in saying, that, whatever might be their political differences to an individual, injustice should not be done by the British House of Commons. The noble Lord concluded by moving a series of Resolutions which were read as follows:—

"1st. That it is the opinion of this House, that Mr. O'Connell addressed a letter bearing date the 1st of June, 1835, to Mr. Raphael, in which an agreement for Mr. Raphael's return for the county of Carlow, for 2,000*l.* was concluded.

"2nd. That it is the opinion of this House, that the whole tone and tenor of this letter were calculated to excite much suspicion and grave animadversion; but they must add, that upon a very careful investigation, it appeared that previous conferences and communications had taken place between Mr. Raphael, Mr. Vigors, and other persons connected with the county of Carlow, and that Mr. O'Connell was acting on this occasion at the expressed desire of Mr. Raphael and was the only medium between Mr. Raphael, and Mr. Vigors, and the political club at Carlow.

"3rd. That it is the opinion of this House, that the money was paid to Mr. O'Connell's general account at his bankers in London; it was, however, advanced, the moment it was called for, to Mr. Vigors; and, though some of it was paid in bills, the discount was allowed; the amount, therefore, was available whenever wanted, and no charge of a pecuniary character can be attached to Mr. O'Connell.

"4th. That it is the opinion of this House, that this money has been expended under the immediate direction of Mr. Vigors and others connected with the county of Carlow, on what may be called legal expenses, or so unavoidable that this House see no reason to question their legality, and that the balance was absorbed in defending the return of Mr. Raphael and Mr. Vigors before the Committee appointed to investigate it on the 28th of July, 1835."

Lord *Stanley* stated, that if he came down to the House with considerable difficulty and doubt as to the course which he should feel it to be his duty to pursue on the motion which had been brought forward on this subject—which had not received his acquiescence, nor, indeed, had he expressed an opinion one way or other on the subject, for nothing had been submitted to him—that difficulty and doubt had been considerably increased by the statement made by the hon. Member for Wells, and subsequently by the noble Member for South Lancashire. It was, certainly, not improper that the hon. Member for Wells should have given his opinion as Chairman of the Committee, that it was expedient that no further inquiry should be pursued by the House. Certainly it was not his intention to throw any imputation on the Report which had been made with the authority of the Committee, but the question appeared to be, as to the mode of escaping from the consideration of the motion of his hon. and learned Friend, the Member for Bradford. If, then, there was difficulty before, it had been increased by the course pursued by his noble Friend (Lord J. Russell). He thought that, instead of proposing the amendment, that it would have been better to let the House pursue the course that had been previously suggested, and to have let the matter be closed with the observations that had fallen from his noble Friend. He regretted the course that had been taken, and under the great difficulties of the subject, and with the strong feelings which he entertained, he felt it very difficult, if not impossible, for the reasons which he would state to the House to agree in the amendment of his noble Friend. He confessed, from the tenor of the early part of the speech of his noble Friend, he thought that he had been prepared to vote for the previous question, for the argument of his noble Friend was precisely that which he should have used had he been urging hon. Gentlemen to support the previous question, namely, that the House having delegated the inquiry to another tribunal, namely, to a Select Committee of that House, and had left it to the Members of that Committee to form their judgment on the evidence to be taken before them, that it did not wish to push the inquiry further. The object of his noble Friend, however, went further, although he had stated certain grounds for pressing the previous question, for he stated that it would appear, if they did not adopt the amendment, that they cast a slur on the Committee which they had appointed, which certainly was very different from what had been stated by the hon. Member for Wells, the Chairman of the Committee. He begged the House to recollect the course that had been taken on this question. Before, however, reminding them of this, he felt bound to say, that he confessed, that he had heard with some degree of surprise an expression from his noble Friend, as well as from the hon. and learned Member for Dublin—namely, that the charge was a trumpery charge. He thought, and he took the liberty of expressing his opinion on a former occasion, that, under the circumstances under which the charge was submitted to the House, and upon the face of the case, and under the allegations brought forward, that they ought not to let the matter drop until the time had arrived when they had disproved or confirmed it. He confessed, that in his opinion, the charge brought against the hon. and learned Member for Dublin was not one which under any circumstances he could consider as a trumpery charge, or one which should be so designated by his noble Friend, the first Minister of the Crown in that House, and who had constantly prided himself as being the first champion of purity of election throughout the whole of his career, and the most constant and unwearied opponent of anything calculated to throw suspicion on the character of the constituency of a borough or county, or on the conduct of an individual Member of that House. When this case was stated, he was surprised to hear such expressions as he had alluded to fall from the hon. and learned Member for Dublin, and he (Lord Stanley) spoke of that hon. Gentleman in his absence as openly and as fully, and not more so, than in his presence—he repeated, that he was surprised to hear that hon. and learned Gentleman say, that that charge was of so light and trivial a nature, that it was a matter of no importance whether it was decided sooner or later by a Committee; and he (Lord Stanley) then stated plainly and clearly, but not too strongly, that if he had had the same charge hanging over his own head, and under the circumstances of the transaction, that he would not only express a wish for investigation, but that he would demand a full and explicit inquiry. His hon. and learned Friend, the Member for Bradford, stated that he thought, that during the recess he did not believe that hon. Gentlemen would turn their attention to the Report; for his part, he had, during the recess, turned his attention to this as well as other Reports of Committees. He went carefully and deliberately through the evidence and Report, and he felt it to be his bounden duty to do so. He felt bound to direct his attention to it as a legislator, and also in consequence of the opinion he had expressed when the subject was formerly brought forward, and when he acquiesced with his hon. and learned Friend, the Member for Bradford, in supporting inquiry. After this he felt bound to state, on perusal of the evidence, that he was bound to acquit the hon. and learned Member, as to the charge against him. He stated this fairly, fully, and unequivocally, and that in all charges of a pecuniary nature—that in all charge in the transaction involving personal integrity, and that with regard to anything that could throw on the hon. and learned Gentleman anything like a stain of moral turpitude, the evidence fully and entirely acquitted him. He had repeatedly said that he did not wish, in this matter, to throw out any charge of personal corruption—he repeated it; but he said that a sum of money had been paid to the hon. and learned Gentleman, in this transaction, of which he had the whole and entire control. And it made no difference as to the distribution of it, or whether he put it into his pocket or devoted it in any other way. He said that it made no difference, when the hon. and learned Gentleman had the distribution of the money, without being responsible to any one; but he now felt himself bound to say, that from the evidence taken before the Committee, the hon. and learned Gentleman had no such power over it as had been supposed. He had no hesitation in saying that, although there might be some contradictory evidence on the subject, that it was impossible, in his mind, from the perusal and consideration of the evidence, to arrive at any other conclusion than that the hon. and learned Gentleman did not act as the principal, but as the agent, throughout the whole case. He did not believe that the hon. and learned Gentleman could have retained or turned away to other purposes, any portion of the sum in question; and when he said this, he threw over the whole case of a personal nature, and paid no attention to a part of the case which certainly, in the first instance, appeared suspicious, namely, the payment of the money or cash in bills of three months' date; because it appeared that the whole sum was accounted for, even to the difference of the discount, and the whole sum was paid as if it were cash. It might appear that it was for the accommodation of the hon. and learned Gentleman, that the money should be in the hands of his Irish instead of his English bankers, but it was shown that the whole, or any part of it, could be drawn out at any time when it was called for; and that it was not in the least degree for the accommodation or advantage of the hon. and learned Gentleman. Therefore in dealing with the case as far as affected the hon. and learned Gentleman, he (Lord Stanley) distinctly acquitted him of being more than the agent in the transaction of the parties, and that he had become so at the request of Mr. Raphael. It had pleased the House to refer this question to a Committee of Inquiry, and that Committee had dealt with it as a question affecting the character of an hon. and learned Gentleman, and a Report had been presented to the House. If it had pleased the House to say that it was not called upon to go further into the case he should have been satisfied; but, if the House was called upon to pass a judgment upon all the circumstances connected with the Carlow Club and Mr. Vigors—with all the circumstances of the traffic which had taken place for a seat in that House between Mr. O'Connell and Mr. Raphael and other parties—he was not prepared to agree to the proposal. He was not prepared to pass a judgment on the whole transaction, nor resolutions in conformity with the Report of the Committee, expressive of the opinion of the House on the general case. He did not doubt the ability, the fairness, or the judgment of the Committee on the point which they had to decide, but he could not help feeling that they had left the question short of a full determination of the proceedings of the whole case. He did not dispute the opinion of the Committee, for there was hardly the difference of a single word made use of by them from those in which he might have couched his judgment. He therefore repeated, that he did not dispute the judgment of the Committee; but if the House was called upon to look at the whole transaction, the resolutions proposed by his noble Friend were not the resolutions which he thought the House ought to feel justified in agreeing to. He begged to call the attention of the House to the case, as it appeared in evidence before the Committee. It appeared that previous to the general election which took place in January, 1835, that four candidates started for the Representation of the county of Carlow—the two hon. Members who now represented it in Parliament, and the hon. Member for Tralee, and a gentleman of the name of Cahill. The two latter gentlemen were supported by a body called the Carlow Liberal Club, who had at its command a certain fund; but that body felt difficulty in getting candidates to come forward. With reference to this part of the case, considerable stress had been laid on both sides of the House—indeed much more than it probably deserved—on a letter of the hon. and learned Member for Dublin, in which he stated that he was prepared to advance 500*l.* towards the expense of the election to bring in Mr. Maurice O'Connell for the county of Carlow. On the election, the two gentlemen supported by the Carlow Liberal Club failed, and a petition was presented to the House against the return, which was also supported by the Carlow Liberal Club. He believed that he was stating the facts of the case correctly, and if he said any thing wrong, he hoped that he should be corrected, and he would then ask the House, after reviewing the whole of the facts, whether it was prepared to support the view of the case taken by his noble Friend? The petitioners on the election were so far successful as to unseat the Members, but the other candidates were not put in their places.

Mr. *Maurice O'Connell* observed, that the petitioners did not pray for that.

Lord *Stanley* said, that he believed that the Gentlemen who were the candidates, were not the petitioners in the case. The petition, however, so far succeeded, that the Members were unseated. But who found the funds? Who found the necessary funds for the promotion of the petition? It appeared from the evidence, that the two freeholders who had been put forward as petitioners, were fictitious promoters of the case. They were mere men of straw. Mr. Vigors admitted candidly, that it never was intended that they should bear the expense of the petition. Who, then, paid the expenses? Why, the Carlow Liberal Club. After they had succeeded in unseating the Members, this club found some difficulty in getting funds to defray the expense of a future election, in consequence of the charge of the election when the hon. Member for Tralee was the candidate, and the subsequent petition. They then looked abroad for a candidate, and they found one rich enough to satisfy the members of the Carlow Liberal Club. He might say generous enough. [*Oh, oh!*] He repeated the expression, that they found one, who, according to the evidence of Mr. Vigors, was generous enough to pay for the Representation of the county of Carlow more than double the expenses of the election —when their expenditure was most lavish —they found one weak enough to be the tool, whom any one could employ for his purpose, but who, he (Lord Stanley) trusted, would serve as an instructive lesson to others. And what was to pay for his seat for Carlow? The Carlow Liberal Club sold the Representation of their county for 2,000*l.* [*No, no!*] That was the fact, let it be disguised how they pleased. The Liberal Club of Carlow put the Representation of their county in Parliament up to auction, and sold it for 2,000*l.* Mr. Vigors stated in his evidence, that the ordinary expenses of the election, when proper care was taken, was about 400*l.*; that when the expenditure was generous, the expense was about 600*l.*; and when it was extremely magnificent, about 800*l.*; but here was a bargain of 1,000*l.* for the nomination, and another 1,000*l.* for the return. He did not intend to canvass the terms of the agreement, nor did he intend to question whether those terms had been faithfully kept or not. He cared not for the terms of the agreement, but spoke of the bargain, and the proposed application of the surplus. If he disputed other parts of the evidence, he did not dispute that of Mr. Vigors. He said, then, that there was a corrupt anticipation of this money with a contingency. The question was, whether it was not such a corrupt proceeding as the House of Commons should express its feelings on, and not remain satisfied with the short view taken of the subject by the Committee. With respect to the motion of his hon. and learned Friend, he believed that nobody would dispute the facts of the first and second resolutions. The third resolution stated, that the agreement was a breach of the privileges of the House. The fourth resolution stated, that the agreement came within the terms of 49th of George 3rd. With reference to the fourth resolution, he had his doubts whether the argument came within the provisions of the Act. The impression on his mind was, that the hon. and learned Member for Dublin was not an agent within the meaning of that Act. He did not see how he came within the terms of the Act, and had subjected himself to the penalties of it. It was competent, on a former occasion, for the hon. and learned Member for Bradford to move, that the Attorney-General should be instructed to prosecute the learned Member for Dublin, or it was competent for any individual to sue the hon. and learned Gentleman for penalties under that Act. He (Lord Stanley) might not have objected to the adoption of one or other of these courses on the occasion to which he alluded; but when the question had been referred to a Committee to report on the conduct of the hon. and learned Gentleman, it would be—and he said so not from any personal feeling to the hon. and learned Gentleman —it would be a most unjust and ungenerous course to pursue, to adopt the resolution; and he was sure that his hon. and learned Friend, the Member for Bradford, would not do so if he thought so. A gross breach, however, of the privileges of the House had been committed; he meant in the bargain with Mr. Maher, Mr. Fitzgerald, and he did not care who else, who was mixed up in the case. Looking, then, to the principles the House had laid down for the maintenance of freedom of election, and he was called in the proceedings of this case to give a vote, aye or no, as to whether there had been a breach of the privileges of the House, he should feel himself bound to say aye. If he was not allowed to go into the whole case, he would decline giving an opinion of it by a vote, as he could not rest the simple case on the narrow view taken by the Committee of Inquiry. He wished to call the attention of hon. Gentlemen opposite to one point, and he was sure they were anxious to preserve the purity of election, and to condemn that which was considered the disgrace of former times—the sale of seats in Parliament—and which had so recently been got rid of; but he would ask them what would be the effect, if the House of Commons tacitly agreed in a transaction such as had been brought before them—and which, indeed, had been forced upon their attention—and if they were called upon to say aye or no, whether they would condemn or acquit all the parties in the case? He could understand a case which, indeed, was of almost every-day occurrence, in which a gentleman anxious to represent a particular borough or county, was brought into contact with a person able to collect the suffrages of the electors, and told him, that he was anxious to be the Member for such or such a place; and if the expenses were not above 2,000*l.*, or any like sum, he would become a candidate; but that if the legal expenses of the election were likely to be more than that, he would not come forward. He could understand such a transaction; and he believed it would be perfectly legal, as he saw nothing in it which did not pass every day. At any rate it was an ordinary occurrence; it was not censured by the House, and therefore, he presumed it was perfectly legal, provided the expenses to be incurred were legal. But what an important difference there was between the case he had just alluded to and that which was under the consideration of the House. In the former case there was the payment of a certain sum for expenses as far as they went; but in this instance, on the contrary, there was the payment of a certain sum down, and not if there was more than sufficient that it should be returned, but that the surplus was to go to other and distinct purposes. This was buying influence and votes by wholesale. In the case of the proprietor of a borough under the old system, who sold a seat for 3,000*l.*, he might expend 500*l.* for the payment of the smaller members of the constituency. Was this the system in this case, which his noble Friend (Lord John Russell) would stand up and defend in that House? Now, for the individual proprietor, substitute the Carlow Liberal Club, and he challenged his noble Friend to point out what distinction or difference there was between the individual sale of votes and the sale of the collective votes of the county of Carlow by the Carlow Club. The Committee reported, "that this money had been expended under the immediate direction of Mr. Vigors and others connected with the county of Carlow on what might be called legal expenses so unavoidable; that your Committee see no reason to question their legality." Now what, according to Mr. Vigors, was to have been done with the surplus, if there had been any? Why it was proposed that it should be directed towards defraying the expenses of the previous election and petition. To be directed to pay the expenses, not of the candidates who then stood, but of those who had done so on a former occasion. [Mr. *Warburton:* not one shilling was so directed.] He was aware of that. There was a corrupt contract and there was a contingency. When a former case was before the House and it was argued that there was no improper act, it did not save the parties from punishment. Was it then to be argued, that there was nothing censurable because the whole or no part of the money did not go to the Carlow Club? It appeared that body received the money, but they were compelled to refund it, and he called Mr. Vigors as a witness to this. That gentleman stated, Mr. O'Connell had no right to promise that the expense of the petition was to be defrayed out of the money paid. This was the evidence of Mr. Vigors, which in point of fact admitted that the Carlow Club had sold the county. They made an agreement with them to gull and dupe Mr. Raphael to sell their county to him for 2,000*l.*; and it appeared, that after paying all the expenses of the election, they might put 1,600*l.* in their pockets. Such was the evidence brought forward in defence of Mr. O'Connell. The evidence might exonerate the hon. and learned Gentleman, but in what light did it place the Carlow Club? He would not express his opinion as to the mode in which that body had dealt with the independence of the county. He had often expressed his opinions on former occasions fully and publicly as to the effect of these bodies, and by doing so he knew that he had offended many Members on both sides of the House. He felt satisfied that all bodies of this kind were dangerous institutions, and could only be justified in cases of extreme necessity, as he thought they tended to increase and promote evils of great magnitude. If such proceedings as had taken place in the present case should occur in connexion with similar bodies in the country, how dangerous and how fatal would it be to anything like purity of election. How dangerous would it be if a body could come forward and say, "we are in debt in consequence of the proceedings in former elections, we want a certain sum to return Members, if that is given, the expense of the election will be paid, and the remainder will be devoted to make up an amount sufficient to defray what had been expended on former occasions." He hoped that the House of Commons would not affirm the resolutions proposed by his noble Friend. He hoped if the question was to be put, that the House would pass judgment on it, but that it would pass its judgment on a much higher question than that involved in the personal character of the hon. and learned Member—that it would lay down a principle which would influence future elections, and in such a manner as would be becoming a House of Commons, which boasts to be a reformed Parliament, prepared to vindicate the purity of election. He could have wished that hon. Members opposite had consented to these previous resolutions, which stated matters of fact, and had been satisfied to leave the evidence and Report of the Committee to give the personal acquittal, which it so amply did give to the hon. and learned Member for Dublin, without bringing other points before the House, or calling upon them to give an expression of opinion upon all the circumstances connected with the Carlow election. But if he were compelled to make a selection of what course of proceeding he should pursue, when he was called upon to decide either in favour of the question of fact moved by the hon. Gentleman behind him, or to support the amendment of his noble Friend opposite, that the words proposed to be left out stand part of the question, he must certainly select to vote for that which was the expression of a matter of fact. He had already stated the grounds upon which he considered it would be difficult, if not impossible, to accede to the last resolution of his hon. Friend, which went to fix a legal crimination upon the hon. and learned Member for Dublin. Upon questions of alleged breach of the privileges of the House, it was essential that before they came to any determination, they should well consider what would be the effect of such a determination—what the steps were which it would be prudent, which it would be feasible for them to adopt, by way of following up such a resolution. Hon. Members could hardly ask the House to come to such a vote, without at the same time asking them to take ulterior steps, in conformity with that vote. He should wish all such points to be carefully considered before the House came to any decision upon them. At the same time this difficulty might have been avoided, by the acquiescence of the House in the previous question. These delicate and difficult questions should not be raised, and nothing of the kind would have been raised by those who were desirous to vote on the previous question. As, however, the noble Lord opposite called for a decision, he should give one according to the dictates of his conscience, and upon a full consideration of all the circumstances of the case. How far the proceedings of the Carlow Club interfered with the purity of elections and the independence of Parliament, it would be for the House to state their opinion upon. He would repeat, that he should have been glad if the House had acquiesced in the previous question; as it was, he must give his support to the first resolution of the hon. Member behind him.

Lord *John Russell* begged to explain, with respect to the expression, "trumpery affair," which he had made use of, and which had been alluded to by the noble Lord, that he referred to the case as it had appeared to him, after the letter of Mr. Vigors, of Nov. 3d, 1835, which had appeared in all the newspapers.

Mr. Sergeant *Wilde* said, that the House having thought fit to place him in the situation of nominee, on the part of the hon. and learned Member for Dublin, during the prosecution of the inquiry before the Committee, it had created some uncertainty in his mind as to the course most proper for him to pursue upon the present occasion; whether he was under any peculiar obligation to take part in the debate, or to forbear doing so on account of the circumstance to which he had referred; but upon the best consideration he had been able to give the subject, he had concluded that the House would expect him to offer some observations upon the result of the minute and laborious inquiry into the transaction now again brought under the consideration of the House; at the same time he should think it right to forbear from voting either upon the proposition or the amendment which had been submitted, and in the propriety of that course, he knew his hon. and learned Friend, the Member for Huntingdon, concurred. With the impression he had stated, as to the conduct proper for him to adopt, he begged leave to occupy the attention of the House for a short time, while he endeavoured to state the real nature of that transaction, as it appeared from the evidence produced before the Committee—remarking, by the way, that the subject had been so grossly misapprehended and misrepresented, both in the House and by the public Press, as to have rendered it almost impossible for any-one to have formed a correct opinion of the conduct of the hon. and learned Member for Dublin. He did not mean, however, to weary the House by going into the details of the evidence, but he should state the general effect of it, holding himself responsible to the House for the correctness of the statement, and with the knowledge that his hon. and learned Friend, the Member for Huntingdon, whose accuracy was one of his peculiar characteristics, would correct him and set the matter right before the House should he unintentionally err in stating the result of the evidence. Before he referred, however, to that, he could not omit to notice the course which had been taken during the debate, to which he had paid great attention—and especially to what had fallen from the noble Lord, the Member for South Lancashire, who last addressed the House; and his surprise had certainly been great, that any hon. Member, possessing that noble Lord's character in the country, should state that, in his deliberate opinion, formed from the evidence now before the House, the hon. and learned Member for Dublin had been guilty of pursuing conduct having a direct tendency to destroy the freedom and purity of election—that wholesale corruption had been practised—that the Representation of the county of Carlow had been put up to sale by public auction—that it was sold to Mr. Raphael as the best bidder—that a gross breach of the privileges of the House had been committed—that the Sessional Resolution had been scandalously violated, which pledged the House to proceed with the utmost severity against all persons concerned in bribery or corrupt practices; and yet, although the noble Lord was perfectly convinced that all this dangerous wickedness had been committed, (he the noble Lord) thought the House ought to forbear to express any opinion upon such conduct, and to content itself with voting the previous question; and the noble Lord actually expressed censure upon the Government, because it called upon the House to pronounce a direct decision upon the fact—whether any such serious charges had or had not been proved. The noble Lord seemed to shrink from confirming his speech by his vote. Was it consistent with the noble Lord's character and station, or with the tone of his speech, that he should assert that the Constitution had been violated, the House insulted, and an example set in the highest degree injurious to the public safety and interest, and yet seek to dissuade the House from coming to a judgment upon such charges? What was the value of the Sessional Resolution, or what importance did the noble Lord attach to it, if, when such a case was established by evidence, as the noble Lord contended in regard to Carlow, the House should content itself with evading a decision through voting the previous question? The county of Carlow had a right to expect a very different course of conduct; and the hon. and learned Member for Dublin had also a strong claim upon the House that it should take a different course. The conduct of that Gentleman having been impeached, and an inquiry moved for, that motion was seconded by him, and his conduct had been subjected to a minute and searching investigation. The Committee, who acted judicially upon that investigation, had acquitted the hon. and learned Member; and the noble Lord (the Secretary of State for the Home Department) now called upon the House, under whose authority the inquiry took place, to give judgment upon the verdict which had been pronounced, and to confirm the acquittal, or to pronounce a sentence of condemnation. The House could not forbear meeting the question in a direct manner. Surely it could not be wished to keep the hon. and learned Member exposed to a loose, vague suspicion, that some undefined misconduct had been committed by him—and to evade doing him justice by bringing that suspicion to the test of examination and decision. However much he dissented from the conclusions adopted by the hon. and learned Member for Bradford, his mode of proceeding was far more direct and consistent than that pursued by the noble Lord opposite; that hon. Member asked for condemnation where acquittal was due; but he gave the hon. and learned Member for Dublin the benefit of a direct decision upon the question. Much care was taken to secure in the Committee a just and impartial tribunal. The inquiry was prosecuted with great patience and deliberation, and the whole proceeding was directed to the object of enabling the House to pronounce a judgment upon the whole transaction. After all this had occurred, the course of moving the previous question could not be justified, and least of all, after the observations of the noble Lord. He therefore rejoiced that the Government called upon the House to determine whether or not the Committee had so conducted the inquiry as to entitle it to confidence; and whether, upon a review of the whole evidence, the Report of the Committee ought or ought not to receive the support and confirmation of the House. He was satisfied that the Report would be found entitled to that confirmation, and that an attentive perusal of the evidence would make it manifest to hon. Members, that nothing had been intended or done which could justly be made the ground for censure. He had no hesitation in declaring, that any conduct by which the freedom and purity of Parliamentary election was violated, demanded, at all times, the most serious attention of the House; but he did not conceive that declaration inconsistent with the opinion, that the charge attempted to be extracted from this evidence was of the most contemptible and trumpery description; and the plausible appearance which it was supposed to bear was the result of a most unfair and distorted statement of the facts, and a perversion of the order of the dates of the several parts of the transaction, by which the character of them had been most materially altered. The statement made by the hon. Member upon the opposite side of the House would lead to the inference, that Mr. Raphael had been sought by Mr. O'Connell, and invited by him to become a candidate to represent the county of Carlow upon a pecuniary arrangement, directed to the advancement of some personal interest of the hon. and learned Member, or that of some person connected with him; whereas the fact, beyond all controversy, was, that Mr. Raphael's connexion with Carlow, and his negotiation with the freeholders upon the subject of his becoming a candidate to represent the county, and the expenses which he would incur in the contest, had commenced long before Mr. O'Connell's interference, which, in fact, was occasioned by that person's negotiation, and was particularly induced by an application to Mr. O'Connell on Mr. Raphael's behalf. The matter of the Carlow election, with reference to Mr. Raphael, was first submitted to the notice of Mr. O'Connell in the month of November, 1834; whereas Mr. Raphael's negotiation with the freeholders of Carlow began in 1833, and had been followed by many interviews and letters between Mr. Raphael and other parties, before the first interference upon the part of Mr. O'Connell. Mr. Raphael's connexion with Carlow arose out of the circumstance of that Gentleman's attending the same chapel as a Mr. Tyrrell, who was of the same religious persuasion as himself; and to him Mr. Raphael imparted an ardent and long cherished wish on his part to become a Member of Parliament. Mr. Tyrrell had a brother resident at Carlow, who had taken considerable interest in the Representation of the county, and was in communication with most of the gentlemen there professing liberal politics; and, through Mr. Tyrrel's means, the wish of Mr. Raphael to represent the county of Carlow had become generally known. Mr. Tyrrel's brother afterwards became a member of the Carlow club. Of this club, and its members, and their objects, he would wish to say a few words, just remarking, that it was rather extraordinary that the Conservatives should express so great a dislike to political clubs. The Carlow club had been represented as having corruptly sold the Representation of the county, and as having acted in a manner inconsistent with the freedom of election. The club was composed of freeholders of the county in the Liberal interest, and who united to resist the Tory party, which it was said had long usurped the Representation of the county, to secure the due registration of the votes of the poorer freeholders, and to protect such voters in the exercise and enjoyment of their elective franchise, without the slightest desire of personal advantage to any individual or body of men whatever. Mr. Fitzgerald was the Secretary to the Carlow club, and in consequence of Mr. Tyrrel's communications respecting Mr. Raphael and his political principles, and his wish to get into Parliament, he wrote to Mr. Vigors, then in London, who was also a freeholder of the county and a member of the club, and who had taken an active part in the previous elections, requesting him to communicate with Mr. Raphael upon the subject; and accordingly several interviews took place through the introduction of Mr. Tyrrell, of London. In these interviews particular inquiries were made by Mr. Vigors into the political principles of Mr. Raphael, and his Parliamentary views. He was before known to be of the Catholic religion, which was naturally a great recommendation of him to the electors of Carlow; he professed to be an ardent Reformer—to entertain great regard for Ireland—to adopt Mr. O'Connell's views in respect of the treatment that country had received—to sympathize strongly in all her wants and woes—and declared, that if he should be acceptable to the electors of Carlow, he would become the owner of considerable property in the county, and would greatly exert himself in finding employment for the poor, and would reside there a great deal. These professions presented Mr. Raphael, who was known to be a man of almost unbounded wealth, as a very eligible person to be supported as a candidate against the powerful and influential Conservatives, and the subject of the expenses to which he would become subject was discussed. He was informed, that in order to maintain an interest in the county it would be necessary that he should subscribe to some of the charities, and to the fund then about to be created by the Carlow club, for the purpose of effecting the objects already referred to. Mr. Raphael desired some information as to the probable amount of those expenses, and was told the election might cost about 3,000*l.*, but he was solicited to attend to, and superintend the disbursements himself, and no suggestion or application was ever made to him for the smallest amount to be applied to the individual or personal benefit of any human being. Mr. Raphael treated the amount as of no consequence, and indeed below what he should be willing to incur provided he could be made certain of securing the seat. He expressed the greatest anxiety on the behalf of Ireland, and frequently promised Mr. Tyrrell that he would accompany him in one of his visits to his native country. These promises, however, Mr. Raphael, was from some reason or other, always deterred from performing. Negotiations continued between Mr. Vigors on behalf of the freeholders of Carlow and Mr. Raphael, during the year 1834, and terminated at the latter end of that year, not by any direct communication on the part of Mr. Raphael, but by his becoming a candidate for the borough of Pontefract. During these negotiations, Mr. O'Connell was informed, by the directions of the Carlow Club, of Mr. Raphael having offered himself to the electors of Carlow, and of his professions; but it was never intended that Mr. O'Connell should become the negociator with Mr. Raphael, much less a principal. It appears, by a letter, dated the 3rd of November, 1834, written by the secretary of the Club to Mr. Vigors, that that gentleman was alone to act on behalf of the freeholders, and he was requested to communicate with Mr. Raphael, rather than to allow Mr. O'Connell (as the Catholic Bishop said) to dispose of the county. Mr. O'Connell had nothing to do with Mr. Raphael respecting Carlow, until some time after these negotiations had been carried on, and not until after the receipt of a letter from Mr. Pearson, a gentleman who had acted as Mr. Raphael's under-sheriff, and who, by his wish, in November, 1834, addressed the hon. and learned Member for Dublin, soliciting his assistance in procuring a seat in Parliament for Mr. Raphael. The hon. and learned Member answered that letter, and that answer is indeed well deserving the attention of hon. Members. A second letter was received from Mr. Pearson, informing Mr. O'Connell that Mr. Raphael had become a candidate for Pontefract, and declining, therefore, all further interference in respect of Carlow on Mr. Raphael's behalf. No other communication took place between the hon. and learned Member for Dublin and Mr. Raphael, until the important interview on the 30th of May, 1835. He had stated, that the communication between Mr. Vigors and Raphael broke off in the latter end of 1834. The House would recollect, that the general election, after the dismissal of Lord Melbourne, took place in January, 1835. The Liberals at Carlow had been disappointed in their expectations that Mr. Raphael would become a candidate, and therefore they had sought candidates elsewhere, and two gentlemen had agreed to stand; but on the very morning of the nomination these gentlemen unexpectedly retired, and left the Liberal party totally unfriended at the last moment. This led to a resolution, formed at the moment, that the hon. Member for Tralee, and a gentleman of the name of Cahill, should be put in nomination; and there seems to be little doubt but that, if the election had been properly conducted, those gentlemen would have been returned; but the opponent party resorted to every unfair means that could be put in practice to prevent the voters from polling, and among other devices, for the purpose of delay, they insisted that what are termed the bribery oaths should be put to the voters; and by these indirect means the Liberals were defeated, and Colonel Bruen and Mr. Kavanagh were returned upon the Conservative interests. The Liberals resolved to petition against the return of those gentlemen, if if they could procure candidates of their own politics, who, in the event of the petition being successful, and the election being vacated, would contest the county; and as Mr. Raphael had failed in his contest at Pontefract, the electors requested Mr. Vigors to renew the application to that gentleman, and urge him to prosecute a petition against the then sitting Members, and to become a candidate in the event of the petition being successful. Mr. Raphael received the communication, and still professed an ardent desire to represent Carlow, and perfect readiness to incur the expenses of the petition and the contest, if he could be made certain of eventual success; and, in discussing the probable expenditure, Mr. Raphael treated the amount suggested as of no consequence whatever, but that he did not like to hazard even a small sum on speculation; that he could not rely upon the success of the petition or the certainty of his return, otherwise he would willingly incur the expense. This language was in strict conformity with what Mr. Raphael had used throughout his previous communications with Mr. Vigors, and he then repeated to Mr. Vigors, that if the electors would prosecute the petition, and should succeed in avoiding the previous election, and be able to secure his (Mr. Raphael's) return, he would come forward as a candidate, and would be content to incur even a larger expense, if necessary, than the amount originally suggested. After this communication between Mr. Vigors and Mr. Raphael, the former determined to prosecute the petition; and took upon himself the responsibility of the whole expense of carrying it on, upon the understanding with Mr. Raphael, that in the event of success, and of his becoming a candidate, he would reimburse the expenses of that petition. The result of the petition was, that Colonel Bruen and Mr. Kavanagh were declared not duly elected. The Committee came to that determination on the 27th of May, 1835; and the fact was communicated to Mr. Vigors at a meeting of the members of the Zoological Society, where Mr. Raphael was also in attendance. Mr. Vigors immediately entered into conversation with him upon the subject of his then coming forward, as before proposed. Mr. Raphael renewed his former professions, and expressed himself anxious to become a Member for Carlow; but, as usual, he yet hesitated. The situation of the county, and of the state of parties there, was again fully discussed, and the probable amount of the expense; and Mr. Vigors again urged Mr. Raphael to examine into those expenses, and pay them himself. Mr. Raphael reiterated his wish to be at a certainty as to the amount which he could be called upon to pay—declined disbursing the money himself, stating, that his mind was so peculiarly constituted that it gave him much more pain to be paying many small sums at different times than to pay a considerable sum at once; and, therefore, he desired that some amount might be named, upon the payment of which he might be guaranteed against any further expense; and in consequence of the often-repeated request of Mr. Raphael, Mr. Vigors stated the outside amount of all the expense to which he could be put, to be 2,000*l*., and offered, upon payment of that sum, that the committee should guarantee him from any further expense. Mr. Raphael, stated he was quite willing to pay that sum, which he thought small, if he could be made certain, but insisted upon his objection to incur any expense, however small, at an uncertainty. Mr. Vigors, on the other hand, stated that the freeholders could not embark in a contest unless the expenses were ensured; and, after some further discussion, as a middle course, it was suggested that one-half of the 2,000*l*., should be paid on the nomination, the other half upon Mr. Raphael's being returned; the first 1,000*l*. to be applied to the legal expenses of the election, and if any surplus remained, that that surplus should be appropriated to the part payment of the expenses of the then lately determined petition, by which the new election had been obtained; the second 1,000*l*. to be applied generally in payment of the election expenses, and the surplus to the subscription fund to defray the expenses of the registration of the voters, and to the relief of poor voters who might be distrained upon by their landlords in consequence of voting in opposition to their wishes. Mr. Raphael readily acquiesced in the amount and the application of the money, but still wished to delay, and expressed an anxiety to advise with a friend. Mr. Vigors stated that he himself was under an absolute necessity for leaving London for Ireland immediately, that he might prepare for the election, and, therefore, strongly urged Mr. Raphael to determine. He inquired who the riend was, that Mr. Raphael wished to consult, when the latter named Mr. O'Connell; upon which Mr. Vigors immediately proposed to leave the adjustment of the terms of the arrangement entirely to Mr. O'Connell. To this proposition Mr. Raphael consented; and thus it was in consequence of Mr. Raphael having named Mr. O'Connell that he became the referee. After a few days' delay, a meeting took place between Mr. Raphael and Mr. O'Connell, on the 31st of May, when the arrangement was concluded, and the terms embodied in the letter, dated the 1st of June, which had been the subject of so much animadversion. It appeared by the letter that Mr. O'Connell had misconceived the intention of Mr. Vigors, or had been misled by Mr. Raphael as to part of the arrangement. It had been suggested by Mr. Vigors, that supposing the first 1,000*l.* should not be exhausted in the election expenses before the nomination, a part of the surplus should be applied to the payment of the expenses of the previous petition; and no suggestion had been made regarding any subsequent petition, or the cost which might be occasioned by any such proceedings; but in Mr. O'Connell's arrangement, it was provided, that the surplus of the second 1,000*l.* should be applied, if necessary, to the payment of the costs of any future petition which might be presented. Although Mr. Vigors had not contemplated any such appropriation, he did not hesitate in adopting the arrangement so made by Mr. O'Connell, as soon as he was aware of it. Under this arrangement, Mr. Raphael paid 2,000*l.*, a part of which sum was applied in the payment of expenses connected with the election—strictly legal and proper expenses —and the whole of the residue was applied to the payment of the costs of the petition afterwards presented against the return of Mr. Raphael and Mr. Vigors. He begged the House to attend to the fact, that formal and distinct evidence was produced before the Committee to establish the fact that the whole of the 2,000*l.* paid by Mr. Raphael was applied to the payment of the legal expenses connected with Mr. Raphael's election; and he feared very few gentlemen who have been returned after a contest, could give so satisfactory an account of the application of the money. Such was the transaction under consideration. When it was first brought under the notice of the House a charge of personal corruption was founded upon it, and it was imputed to the hon. and learned Member for Dublin, that he had sold his political influence at Carlow for 2,000*l.* Upon some occasions, it was insinuated that the bargain had been made with a view to the pecuniary benefit of the hon. and learned Member; at other times it was hinted that it had been applied to the corrupt purpose of bribing the electors. The matter had been fully investigated, and it was now admitted, that all candid persons must fully, fairly, and unequivocally, acquit the hon. and learned Member of all charges of a pecuniary nature. He was entitled to a full and unequivocal acquittal of everything involving personal integrity, every thing like a stain of moral turpitude. It was clear, that the hon. and learned Member had nothing like a control over the money; that the hon. and learned Member acted throughout merely as an agent in the transaction; and that the whole money had been properly accounted for. When he first heard, that a renewed and further attack was to be made upon the hon. and learned Member for Dublin, he felt some satisfaction that the attack was to be led by the hon. and learned Member for Bradford; because, as that hon. Member belonged to the profession of which he also was a member, he thought there might be something sagacious in his view of the matter. He anticipated, from the professional habits of the hon. and learned Member that the charge would be presented in a distinct and tangible shape, and that the evidence making out that charge would be distinctly brought forward; but he had been most grievously disappointed. He had heard only vague generality in the charge, and want of precision in referring to the evidence. With such an acquittal as he had adverted to, and with distinct evidence of the application of every shilling of the whole 2,000*l.* to legal and proper purposes, the hon. Member for Bradford now proposed to the House to resolve that a corrupt agreement was made, and thereby a gross breach of the privileges of the House committed; whilst the noble Lord opposite insisted that the Carlow Club sold the county, put the representation up to auction; that the transaction was in no wise different from a proprietor selling the seat for a borough; that the whole was a bargain by which the Carlow Club might put 2,000*l.* in their pockets; and that the transaction was, in the highest degree, corrupt and subversive of the freedom and purity of election. He appealed to the House, whether or not there were the slightest foundation for those strong and rash assertions—they were one and all utterly destitute of foundation. The slender ground upon which the whole of these charges were built, was, that Mr. Vigors suggested, in the course of the treaty, that if the first 1,000*l.* were more than sufficient to pay the election expenses, some portion of the surplus should be applied to pay the costs of the then recently-determined petition, and that any surplus of the second 1,000*l.*, after paying the election expenses, should be paid to the fund to promote the due registration of the votes, and relieve the poor voters who might be persecuted for voting against the wishes of their landlord. As to the first, the petition had relation to the immediate election for which Mr. Raphael was a candidate; the vacancy he wished to supply had been made by the decision upon that petition. The petition had been presented in relation to Mr. Raphael; Mr. Vigors, a freeholder, had been induced to render himself liable to the expenses of prosecuting that petition, after communication with Mr. Raphael upon the subject, and upon the understanding with him that, in the event of the petition being successful, he would become a candidate to fill the vacancy, and would contribute to the payment of its expenses.—[*No! Yes!*] "Yes," the fact was so. [*Read! Read!*] He would not detain the House to read the passage. [*Hear! Hear!*] If he had the honour of being known to those hon. Members who complimented him with that cheer, they would not be so ready to utter it; they would know that he should not hazard a statement which he was not in a condition fully to establish. [Lord *Stanley: Hear!*] If the noble Lord meant by his cheer to express a doubt that it existed, he would arrest the course of his observations, and produce the passage. The noble Lord had been employing the holidays in studying this evidence, and had overlooked the fact he had stated. The noble Lord had certainly made holiday-work of his labours. He repeated, Mr. Vigors rendered himself liable to pay these expenses, upon an understanding with Mr. Raphael that, in the event of the petition being successful, and his becoming a candidate, he would contribute to pay the costs of the petition—an understanding Mr. Raphael distinctly recognized by his subsequent conduct. The object of the petition was to procure for Mr. Raphael the representation of the county; he proposed to avail himself of the petition by becoming a candidate: why should he not pay the costs of that petition — prosecuted with his knowledge and concurrence, and for his advantage? The electors were too poor to bear the expense—what candidate would have refused to pay such costs, and have permitted Mr. Vigors to have become personally liable for them? And when Mr. Raphael consented to become a candidate, he was bound, in honour, to permit any surplus of the sum to which he had limited the amount of his advance, to be applied to the reimbursement or indemnity of Mr. Vigors, in regard to those expenses. It was not the case of a gentleman first making his appearance as a candidate at some subsequent election, and who was required to pay the costs of a petition relating to a previous election in which he had had no concern or interest—from which he derived no benefit—upon which he had never been consulted, nor had held out any expectation of his seeking to fill the vacancy which might be occasioned by the successful termination of it, or of which he had never heard until called upon to pay the expense which had attended its prosecution. No hon. Member could fail to perceive the utter want of analogy between Mr. Raphael's case and that which he had supposed; and he was at a loss to understand how it could be contended that the freedom of election had been violated in this case, or its purity stained. Mr. Raphael was not adopted as a candidate for the first time after the costs of the petition had been incurred; and because he consented to pay such costs, his political principles had been ascertained, and he had been approved and accepted as a proper person to be supported as a candidate to represent the county, before the petition was presented. The petition was prosecuted for the express purpose of obtaining him for a representative—and no single argument had been adduced, tending to the establishment of the proposition for which the hon. Gentleman opposite contended. But upon this part of the subject hon. Gentlemen opposite had argued as if the stipulation that the costs of the petitioner should be paid, had formed a part of the bargain under which Mr. Raphael became a candidate—which was not the fact. Those hon. Members entirely overlooked a circumstance of importance in every view of the case, but decisive, so far as the hon. and learned Member for Dublin was concerned—namely, that in the arrangement made by him, no such stipulation, nor any thing relating to it, was contained, nor did it appear that he ever understood it had even been matter of treaty or negotiation; if he did so understand, he certainly never acted upon it;—and the letters of the 1st of June, which there is no doubt contained the whole bargain, were entirely free from any such condition. It had been, beyond all doubt, mentioned by Mr. Vigors in the treaty, and assented to by Mr. Raphael; but the only contract, agreement, or understanding, upon which Mr. Raphael became a candidate, and upon which it was agreed by Mr. Vigors, or the Carlow Club to support Mr. Raphael, was that which Mr. O'Connell made and embodied in the letter of the 1st of June. The argument, therefore, was destitute of the fact, upon the false assumption of which it is built; and what the effect of any such agreement might have been, had it been made, ought not to form any ground for the decision of this night, as, in fact, no such agreement ever did exist. The hon. and learned Member for Bradford generally referred to the Sessional Order and the Statute—he had not read the words of either; but it was necessary, to a right judgment being formed, that both should be referred to. The Statute, as its preamble proved, was passed to supply an omission in the previous law. Before that Statute, unless the party bribed was a voter, bribery was no offence. That Statute made it an offence for any one, whether voter or not, to take a bribe or money to procure a return to Parliament. The act, which was described in the Statute as constituting the offence, was the endeavouring to procure the return of an individual to Parliament for money. The Sessional Order treated of bribery and corrupt practices. What were the facts, in the transaction in question, which were supposed to amount to bribery and corrupt practices? Was it the contemplation of the appropriation of a part of the first 1,000*l.* to the payment of a part of the costs of the petition; or was it the agreement that any possible surplus of the second 1,000*l.* should be paid to the Subscription-fund, under the management of the Carlow Club? As to the first, it was sufficient to say, no agreement was ever made upon the subject—that, although talked about in the course of the treaty, it never formed part of the contract, as he had explained, and therefore no offence was committed; but he had presumed to offer some remarks to the House to show, that even if the contract had contained such a stipulation, and if that stipulation had been actually performed, still no offence would have been committed. It was neither bribery nor a corrupt practice. Who was bribed? It could only be Mr. Vigors, because no benefit was contemplated to any one but himself. Looking to the previous circumstances, could it for a moment be contended, that after the petition had been successful, the reference to the terms of the previous negotiation, applicable to those costs, could be considered as a bribing of Mr. Vigors; or that the reimbursement of him was a corrupt practising, within the meaning of the Sessional Resolution—or could it be deemed an agreement between Mr. Raphael and Mr. Vigors, to procure the return of Mr. Raphael for money? Does not this mean money given without reasonable claim or ground, and as the corrupt inducement to procure the return. [" *Read the proviso.*"] Certainly, he would read the proviso; because the effect of the proviso was to strengthen the argument he was submitting to the House. The proviso declared, that the Statute should not be construed to extend to any money paid for any legal expense, *bonâ fide* incurred at or concerning any election. Now, first, were the costs of the petition against Colonel Bruen and Mr. Kavanagh legal expenses? There was none so weak as to controvert that. Then did it concern any election? The word was, " any election." Who could deny that the costs of that petition concerned any election? It concerned both the previous election, which it rendered void, and the subsequent election, which it occasioned. The Statute did not mean to create an offence out of the payment of real expenses incurred for *bonâ fide* objects, but corrupt payments for expenses illegally incurred, or property by way of corrupt inducement. But, before they examined the proviso, the Act must be looked at to see what was the offence. It was the office of the enactment to say what acts should constitute the offence.

The effect of the proviso was to include certain acts which might, contrary to the intention of the framer of the Statute, be brought within the words of the enactment, but which were not within the meaning of the author. The proviso created no offence, but excluded. The preamble of the Statute showed, that the acts intended to be punished were acts of bribery; and the enactment made it criminal for any one to agree to procure the return to Parliament of an individual for money, which clearly meant money given as a bribe, or corrupt inducement in the nature of a bribe. This case, therefore, does not require the protection and aid of the proviso, because it did not fall within the enactment. There was no colour for assimilating it to a bribe; but if there were, it would be saved by the proviso, for it was the payment of a legal expense concerning an election. He therefore contended, that if it had been finally agreed, as it was originally proposed, that the costs of the first petition should be paid out of Mr Raphael's money, such an agreement, or the performance of it, would not have been a breach either of the special Order or of the Statute. The only other ground upon which it was argued that the bargain was corrupt was, that it contained a stipulation that if the election expenses did not exhaust the whole amount of the 2,000*l.*, then the surplus should be paid over to the subscription fund, instead of being returned to Mr. Raphael; and it was argued—as far as he could comprehend the course of reasoning presented to the House upon the part of the case—that the requiring Mr. Raphael to contribute to the fund in the event of the expenses not exhausting the amount advanced, was an agreement on the part of Mr. O'Connell, Mr. Vigors, or the Carlow Club, to procure—for money—the return of Mr. Raphael for Carlow;—or that the providing a fund for the relief of those voters who might be distrained by their landlords by reason of that course of voting, constituted bribery or a corrupt practice, contrary to the Sessional Resolution and to the Act of Parliament. He hoped that he had correctly conceived and stated the effect of the argument of the other side; if he had not, it was not to be ascribed to any want of attention, or the absence of a sincere desire correctly to understand and faithfully to present it. The noble Lord opposite had certainly not been sparing, of very broad, bold, and general assertions; but he had not condescended to support them by even the appearance of argument or proof. In the face of evidence which showed that no one of the parties who engaged in the treaty ever stipulated for, or ever expected or sought to obtain, the slightest pecuniary benefit from any amount which Mr. Raphael might advance; but that the only application ever contemplated by Mr. Raphael or Mr. Vigors, or any member of the Carlow Club, was to secure a due registration of the votes, and to deter the Tory landlords from terrifying the electors from voting according to their principles, by threats or distress,—and to embolden such electors to vote independently of all fear by showing to both landlords and voters, that a fund was created for the relief of those who might become the victims of the landlord's political resentment, and thus to secure the freedom of election; and with the knowledge that the evidence, while it established, in the most undeniable manner, the absence of all intention that pecuniary advantage should be derived by any of the parties to the treaty, and proved in an equally satisfactory manner, that, in point of fact, not a shilling had been applied to any improper purpose; yet the noble Lord ventured in the face of that evidence to declare that the Carlow Club sold the representation of the county, by auction, to the best bidder,—that the transaction on the part of the Club had been grossly and scandalously corrupt,—that the seat was corruptly sold to Mr. Raphael, in order, by means of the purchase money, to put 2,000*l.* into the pockets of its members,—and that the transaction was in no respect different from those which were formerly so much practised and condemned, but that it exactly resembles the case of a patron selling the seat for his borough for 2,000*l.* or 3,000*l.*, and putting the money into his pocket. Surely any one who read the evidence would be marvellously astonished at such assertions. How had the Committee of the House discharged its duty? Had it been asleep, that the Report should be silent upon all these enormities. There were not wanting Members upon the Committee holding, with considerable tenacity and strength, opinions so adverse to the hon. and learned Member for Dublin, as to preclude all suspicion of any wish, on their part, to screen him. The Report, however, was unanimously agreed to.

How, then, had it happened that the Committee, so constituted, should not have hinted, or suggested, or surmised in their Report, any one of these charges now advanced by the noble Lord, the Member for South Lancashire, which he treated as clearly proved, condemning all the parties as if found guilty upon the clearest evidence? There was no foundation for any one of these strong assertions. The facts, as stated in the evidence, were, that after the elections that had taken place since the Reform Bill, great oppression had been practised by the landlords against their tenants who had voted in a manner inconsistent with their wishes. It was said, that the lands having been let at the old high rents, upon leases not yet run out, that the landlords, for several years since, had found it necessary to remit a considerable portion of the rent; that the reduced rents had always been received as the actual rent payable; and that no attempts had ever been made until lately, when, for election purposes, it had been sought to enforce the payment of the higher rent, which it was well known to be impossible for the tenant to pay—that it had also been the practice of first landlords to permit a quarter's rent even of the reduced amount to be in arrear, and that a tenant had never been considered as behind, who paid one quarter under another; but it was said that latterly, where the voter had polled in opposition to his landlord, advantage had been taken of the tenant, at the dead season of the year, to distrain upon him suddenly, and when he had had little beyond his household food, not only for the quarter usually allowed to be held back, but for all the old high rent never called for before, and which had in truth been considered as entirely remitted. From this cause, misery and wretchedness had been occasioned to such an extent, as to excite public sympathy, and subscriptions had been occasionally raised for the relief of such persons. This conduct had materially affected the freedom of elections, by many tenants being deterred from voting according to their principles, through fear of ruin being thereby brought upon them. Some of the freeholders of the county, professing liberal opinions, had associated with the view of endeavouring to put an end to this system of intimidation by raising a subscription to afford temporary relief to the sufferers. The only other object of this Club was, to secure the due registration of the votes of those professing liberal principles, against whom objections were vexatiously urged. It was alleged that it had been the practice of the Tories in Carlow to object to all the votes of their opponents, without regard to their validity; because, in order to support the vote, it was necessary to incur such loss of time and such expense as few of the voters could sustain; that many electors were by these means most unjustly and improperly deprived of their votes. To resist these most unjust practices, and to sustain their good votes, a subscription was raised, and in aid of that fund it was proposed that any surplus of the second 1,000*l.* should be applied. Was that application of the fund subversive of the freedom of election, or was it directed to the end of enabling the voter to exercise his franchise honestly and independently? Could any man entertain a serious doubt upon the question? It was, therefore, of great importance to consider for what purpose this fund was raised. [*Hear! hear!*] Did hon. Members mean to contend that a subscription to be applied to the purposes he had mentioned was illegal, and that this House ought, or was disposed, to treat the persons who might contribute to it as violating the freedom of election? Then, indeed, it was a serious question. Had the House no means to protect the voter from persecution when he freely exercised his franchise, or to punish the persecutor, who was the real invader, of the freedom of election?—and was the House prepared to punish those who provided the only means which could be discovered to afford even a very limited protection to the voter? He had always felt very serious difficulties upon the question of the ballot,—he had considered that its adoption would be but a preference given to one evil over a greater; but if the House were prepared to say, that the voter might be persecuted by the rich on the one hand, for the purpose of destroying all freedom of election,—and at the same time were prepared to punish those who should in any degree, by pecuniary aid, protect the voter;—then, indeed, whenever the House should indicate such an intention, he should become the unhesitating, zealous, and determined supporter of the ballot; nothing would remain for the people's protection but the ballot, and that only protection he hoped the people would demand, and the House would feel itself in justice bound to grant. In order correctly to estimate the effect of this subscription, it must be remembered that, previous to the election, it could not be known what landlord would resort to the unprincipled measure of distraining upon his tenant from political resentment, and that no promise or expectation was held out to any individual; and it could not be supposed that, after the election, a tenant who had voted in opposition to his landlord, would induce that landlord to distrain upon him for the purpose of his obtaining the scanty and partial relief which a small loan from this fund would afford. And who were the subscribers to the fund?—the freeholders themselves—the electors; those who, as a body, were most interested in the freedom and purity of election,—who could have no possible motive to promote or protect abuse. Who had the administration of the fund? The voters themselves,—the neighbours of the individuals claiming protection by means of the fund,—possessing the best possible means of the knowledge of the real situation of the voter and his claims to the protection which he sought, and which, after all, must be necessarily too limited to invite cupidity. So far as regarded the electors who were not members of the Club, there was no ground to impute bribery? and as concerned those who were members, the charges and assertions of the noble Lord could only be met by referring to the evidence, which utterly negatives all idea, expectation, or possibility of pecuniary benefit to them. Not a line was to be found consistent with the idea that any member of the Club was to have any participation in, or benefit from the fund directly or indirectly; and most extraordinary would it be, that the freeholders should subscribe to a fund to bribe themselves;—the fund had a specific and definite application, inconsistent with the object of members appropriating any portion to themselves. Mr. Raphael distinctly stated, that he understood the whole money was to be applied to the election purposes, and it was proved, that it was so applied. What then, was meant by the members of the Club putting 1,000*l.* into their pockets; and where was the ground for the assertion, that the seat was put up to sale by auction, and sold to the best bidder? Who bid beside Mr. Raphael, if he was to be called a bidder; and where was the analogy between a patron selling his borough, and the conduct of the parties at present under discussion? There was not the shadow of a resemblance between the two cases. The patron of the borough, in the case referred to with so much effect by the noble Lord opposite, transferred his interest in the borough for his personal and private pecuniary benefit, and the whole price paid was put into his pocket;—he was guilty of a great political misdemeanor;—his motives and his conduct were alike—unequivocally corrupt. Look at this case. What was the object of the Carlow Club? To secure a Member who would correctly represent their principles and opinions,—who was finally selected for no other reason. What were the means to be employed? None but the endeavouring to leave every voter free to vote according to his principles, uninfluenced by fear, and therefore seeking to exclude, if possible, the cause for fear. No offer, no promise, no expectation held out to any one of the gain of the smallest amount for his vote,—and as to the members of the Club, it was really idle to talk of corruption. Were the members to corrupt themselves with their own money? Not a line in the whole evidence was consistent with the fact of any one member ever receiving a shilling for his personal benefit. No hon. Member could suggest a passage which in the remotest degree pointed at it. When the law, or when any one spoke of corruption, in relation to this subject, it meant some pecuniary benefit for an individual or body of men; here no such thing existed; the talk of the members of the Club seeking to put 1,000*l.* into their pockets was a fairy tale—a perfect delusion on the part of the noble Lord. Instead of the pockets of the members of the Carlow Club, the possible surplus was to go to the subscription fund, of which not even a single farthing was to be applied for the benefit of the Club or its members, but singly and only for the election purposes, to which he had referred. There was no contemplation or intention, nor even the possibility of the Club appropriating the least imaginable portion of that fund to which they were contributors, to the personal benefit of any one of the members. There was an entire absence of all corruption, because it was never intended that any one specific individual should ever receive one farthing of pecuniary advantage, and he asked the House, whether they ever heard a greater misrepresentation than that of designating the transaction, in this respect, as either corrupt, or as an invasion of the freedom of election, or within the spirit or the terms of the Sessional Resolution of the Statute? The evidence distinctly negatived the existence of any corrupt intention. That Mr. O'Connell entertained no such intention, the Report decided. That Mr. Raphael intended no such thing is clear, from his distinct statement, that he expected the whole sum was to be applied to legal election expenses. That the Carlow Club was innocent of any such design is manifest, from their having devoted the whole fund to other and general public objects utterly inconsistent with the personal benefit of any individual member of the Club. Previous illegal or corrupt intention, therefore, was distinctly negatived, and the subsequent undoubted legal application of the whole fund, to the last shilling, was fully proved by the evidence. Where, then, was the offence either against the Sessional Resolution or against the Statute? There was none. It was obviously taken up as a party question. See how hon. Members had ranged themselves! — see the wonderful uniformity of opinion that existed among them, considering their divisions of political party. If the detail of the evidence had failed to establish the innocency of the transaction, and had left a doubt upon the purity of intention, it would be manifested by the mode in which the transaction was conducted. Hon. Members, of course, had no personal knowledge or experience how corrupt election contracts were made and conducted; but they might have heard of such things, and might have seen the circuitous and circumstantial evidence by which such a charge, when judicially investigated, was sought to be proved. No one ever heard of professional men and principals openly treating and discussing the terms of a corrupt contract without disguise or restraint; with no secret terms or private stipulations—nothing left to be collected and understood from vague expressions—but all stated in open, plain, intelligent terms. Was the hon. and learned Member for Dublin so inexperienced, and weak, or incautious, that if he could be induced to enter into a criminal transaction of that nature, he would permit a score of witnesses to be in a condition to prove it? Nay, that he should state the whole of the real transaction in writing, and put it into the hands of the opposite party, himself not retaining even a copy, —that he should put himself completely in the power of that opponent's solicitor, by communicating with him, by receiving the corrupt payments through him, and that he should afterwards correspond with the parties, guaranteeing to each his part of the contract? Such conduct proved that the hon. and learned Member did not intend to make any contract, the disclosure of which would subject him either to punishment or censure—every part of the transaction, and almost every act was recorded in writing, and the entire absence of all reserve and concealment manifests, at least, the purity of election of that hon. and learned person. It seemed, however, that the opponents of the hon. and learned Member, while disclaiming all imputations of pecuniary taint, yet, at the same moment, seem to fix a stain upon Mr. O'Connell, by insinuating that he must have had some powerful exciting motive, and that not a pure one, for recommending such a man as Mr. Raphael to the electors of Carlow as their representative, and particularly when he had described him in terms extremely offensive and degrading. Nothing could be more fallacious and unjust than this charge, and the manner in which it had been urged had tended greatly to mislead a part of the public. It assumed, most unjustly, and contrary to the fact, that Mr. O'Connell, at the time he stimulated the electors to support Mr. Raphael, entertained the same opinion of that gentleman which his subsequent conduct had excited; but if the real facts be looked at impartially, he would venture to assert, that the conduct of the hon. and learned Member will be found as free from impropriety upon this point as it was upon the pecuniary part of the business. The hon. and learned Member derived his knowledge of Mr. Raphael through Mr. Fitzgerald, the Secretary of the Carlow Club, and Mr. Vigors; from them he learned that Mr. Raphael was a wealthy gentleman, professing the Catholic religion, and entertaining very liberal political principles; much attached to Ireland—a great admirer of him (Mr. O'Connell), and generally adopting his opinions—that he had been approved of by the Carlow Liberal Club as a proper person to represent them. Mr. Raphael was afterwards introduced to the Corporation of London by Mr. Pearson, a gentleman extremely well known as an able and intelligent individual, and one entertaining very liberal opinions, as fit to fill the office of Sheriff to the city of London. Mr. Raphael was unanimously elected to that high office—he had announced himself as a candidate to represent the city of Westminster, and had circulated a public address to the electors of that city, announcing his political sentiments. Mr. O'Connell was afterwards addressed by Mr. Pearson, distinctly recommending Mr. Raphael as a proper person to be supported by the hon. and learned Member; that letter also gave a minute and particular statement of Mr. Raphael's principles. Mr. Raphael's character stood unimpeached up to the moment when he became the denouncer of Mr. O'Connell — unimpeached in every particular, except in the caution given by Mr. Tyrrell to the hon. and learned Member for Dublin, as to how he dealt with Mr. Raphael in pecuniary matters. That Mr. O'Connell should have felt a strong interest in the representation of Carlow, and should have been extremely solicitous that the Members for that county should coincide with him in political opinion, will surprise no one. The same feeling had extended to every part of Ireland; it was not limited to Carlow, where it was well known that the hon. Member's influence was less than in many other places. In a recent contest in that county, a near connexion of Mr. O'Connell's had been unsuccessful, although supported by that hon. and learned Gentleman; but whether his interest was greater or less, it was most natural and consistent with all that appertains to that hon. Gentleman, that it should be exerted to the utmost in behalf of a Liberal candidate engaged in a struggle against a party so hostile to the hon. and learned Gentleman; and Mr. Raphael, from the public position he then occupied, and from his professions, well justified his being then recommended to the electors of Carlow. What his conduct since had been, was foreign to the question of the propriety of Mr. O'Connell acting as he did, at a time when no human being could anticipate, in any degree, what had subsequently occurred. The hon. and learned Member was entitled to credit for the manly and direct manner in which he had met this charge throughout; he had courted inquiry, and given every possible facility to the investigation. It was a common saying, that professional men did not generally make prudent clients; others trust the management of their case to those in whose hands they place it; but professional men always sought to act in some measure for themselves, and when his right hon. and learned Friend desired to see Mr. O'Connell's banking account——

Sir *Frederick Pollock* did not desire to see the banking account; he only desired to know the state of the balance at a particular time.

Mr. Sergeant *Wilde*, true; his hon and learned Friend desired to see the banking account of Mr. O'Connell at a certain time. He could assure the House, that he was entirely unacquainted with the state of that account; whether it would favour or repel the inference sought to be established, he knew not; but as no circumstances had occurred in the evidence, which, in his judgment, rendered it relevant or material, he objected to the account being produced at that time, expressly stating, that if, in the course of the inquiry, any matter should transpire, by which the banking account could be rendered material, he should, in that case, feel it his duty to withdraw his objection. The Committee were of opinion that, in the then stage of the inquiry, the banking account could not be required. Mr. O'Connell, however, notwithstanding the decision of the Committee, declared, that if the hon. and learned Member for Huntingdon thought it could in any manner assist his case, it should not be withheld. The account was immediately handed over to his hon. and learned Friend, inviting the most minute examination of it; and the same spirit was manifested throughout the investigation. The hon. and learned Member was desirous of being examined upon every part of the transaction, and thought it better that his case should rest rather upon the testimony of others than upon his own, in order that no doubt might exist. The case was distinctly established, which consisted in rebutting all inference of corruption and misconduct. There wanted nothing from him, therefore, to establish his innocence; but if it were supposed that, by his personal examination, any criminatory matter could be extracted from him, he subjected him to that examination—he presented him for that purpose; but the other hon. and learned Nominee declined to examine him, and after the hon. Member thus tendered himself, he had strong grounds to complain of the course which had been pursued to-night. When the Committee sat, he requested that his hon. and learned Friend, to whom it was intrusted to conduct the charge, would give him some intimation of the nature of that charge, that he might be aware of the tendency of the evidence produced to sustain it, and might know the inferences to be repelled; that, however, was not done. After the evidence was gone through, and when, therefore, it was reasonable that he should be informed whether it was supposed any charge had been established or misconduct proved, that he might have answered it, he had repeated his request, stating, that he conceived that everything which could be considered as having a tendency to reflect upon the hon. and learned Member, had been fully explained or answered, and soliciting to be informed whether it was meant to be contended, that the evidence, in any part of it, called upon the Committee to report adversely to the hon. and learned Member, that he might be heard before the Committee upon that subject. His hon. and learned Friend said, he was not the accuser of Mr. O'Connell, and had no charge to make. He was thus anxious to learn whether any charge was intended to be proved, lest he should have passed over any portion of the evidence, or any matter, supposing it immaterial, and that it should afterwards be brought forward as containing matter criminating the hon. Member. He, therefore, requested to be protected from any charge being afterwards brought forward by surprise; and offered the hon. Member for examination, that at least no excuse might be found for such conduct in any alleged want of the means of investigation. He noticed that a letter was produced by Mr. Raphael, in which the hon. and learned Member asked Mr. Raphael whether he were desirous of being made a Baronet? He could not mistake the motive which had induced the production of the letter, but it appeared to him irrelevant to the inquiry before the Committee, and he, therefore, did not prosecute the examination of the subject; but as he was satisfied that investigation could only tend to repel and negative any just imputation of misconduct, anywhere, in respect of that subject, he was the more desirous to subject the hon. and learned Member to interrogation, well knowing, that if any one should be desirous of travelling out of the proper subject of inquiry before the Committee, and should seek to extract matter of crimination in regard to the Baronetcy from the hon. and learned Member, they would, in the attempt, fall into a trap, and find that the most perfect and satisfactory explanation existed. He did not expect that his hon. and learned Friend who acted as nominee, would, in the exercise of his own judgment, make any inquiry into the matter; because he was satisfied that his hon. and learned Friend would entertain the opinion that he had expressed, that it was irrelevant to the subject into which the Committee were investigating. His anticipation was correct; his hon and learned Friend did not put any question upon it, nor did any other person. He submitted, therefore, to the House, that it was most unfair and uncandid, after the Committee had terminated its labours and made its Report, without any one suggesting the propriety of calling for any explanation, or insinuating, however remotely, any matter of charge upon the subject, that the hon. and learned Member for Bradford should now make observations imputing misconduct to Mr. O'Connell, in that respect. The hon. and learned Gentleman had offered himself to the most unlimited examination, and now that his defence had closed, the hon. and learned Member for Bradford insinuated new charges against him. The signal failure of the hon. and learned Member, in regard to his first charges, ought to have induced something like caution, if not forbearance, in casting new imputations. Indeed, he must say that, considering the manner in which, for party purposes, the transactions respecting the Carlow election were presented by the press, to the public, and the gross misrepresentations that were made, the hon. and learned Member for Dublin had cause, if not to be grateful, at least to rejoice, that the hon. and learned Member for Bradford had caused the subject to be fully investigated. Those only could now entertain any impression hostile to the propriety of conduct of the hon. and learned Member, who either would not take the trouble to read the evidence, or who were misled by inveterate prepossession. The evidence was so perfect that it must have satisfied any court of justice. Looking to the terms of the reference of the House to the Committee, he asked what illegality, what breach of privilege was there not comprised in that reference?

Yet the hon. Member now came with nothing more than the letter itself, which the House had already before it when it sent the matter for inquiry before the Committee; and upon that letter the House was asked to re-agitate this question. The letter began by stating a fact, namely, that an agreement in the following terms had been entered into. Under that agreement there had been an attempt made to return the two Members; and now the House was called on to say, that that was a breach of the privileges of the House, and an infraction of the Act of Parliament. All the facts were before the House before the case was sent to the Committee. He should be glad to know whether, if the hon. Member succeeded in getting his resolutions passed, he really expected that the House would send Mr. Vigors and Mr. O'Connell to Newgate? He should like, also, to know which of Mr. Raphael's estimable qualities it was which was to except him from the same proceeding? Mr. Raphael and his attorney, Mr. Hamilton, were parties to this contract, and for aught he knew he might be one of the most guilty. He was the person returned; but this resolution led to an unavoidable suspicion that party feelings were not wholly excluded from the motives of those who had brought it forward, and that Mr. Raphael, whose conduct had created a strong sensation in some quarters, had not been thought a fit victim for punishment. The Committee, therefore, had inquired into the circumstances, and they had not felt it their duty, (which they would have done if there had been any grounds for suspecting that the county had been put up to auction by the Carlow Club, or any other persons,) they had not felt it their duty to report to that effect to the House; on the contrary, they came to the House saying, that they had no reason to doubt the legality of the expenses incurred; and they reported the absence of all criminality on the part of Mr. O'Connell, or any endeavour to interfere with the freedom of election. Taking these circumstances together, and being satisfied that there was no illegal application or intention entertained by the parties to apply the money to any corrupt purposes, or to purposes inconsistent with the freedom of election,—what grounds, he begged to ask, were there for the attack now made? He submitted that, having sent the subject to a Committee, and the subject having been inquired into with more than ordinary attention and care, and the Committee having made its Report, the House would, in effect, be casting a strong censure upon the Committee, if they committed this question to a second inquiry. The letter of the hon. and learned Gentleman, which it was proposed to make the ground of the present proceeding, might have been written incautiously; but there was nothing corrupt and nothing censurable in the whole transaction. It was not, therefore, a proper subject for the animadversion of the House. The whole proceeding was one which exhibited the hon. and learned Member's consciousness that he was doing that which he should not be afraid to make known to the whole country. The hon. and learned Sergeant apologized to the House for the length of time he had occupied by his observations, and thanked it for its kind attention.

Debate adjourned.

HOUSE OF LORDS,

Friday, April 22, 1836.

Minutes.] Bills. Received the Royal Assent:—Mutiny; Marine Mutiny.—Read a second time:—Revenue Departments Securities.—Read a first time:—Division of Counties in England and Wales.

Petitions presented. By Lord Hatherton, the Marquess of Bristol, the Archbishop of Canterbury, and several Noble Lords, from various Places, for the Better Observance of the Sabbath.

General Evans's Letter.] The Marquess of *Londonderry* had to entreat the indulgence of their Lordships for a very few moments, while he made one or two remarks, in consequence of a letter, which had appeared very generally in the journals of this metropolis, written by Lieutenant-Colonel Evans, who was also a brigadier-general, or a field-marshal, or held some other rank, he did not exactly know what, in the service of the Queen of Spain. A particular allusion had been made to himself in that letter, otherwise he would not have taken the smallest notice of it; because it was full of allegations and statements as to the probable result of the contest in Spain, which, however, left it as difficult as ever to discover the true bearings of the case. He was spoken of in the letter to which he alluded, as if he had stated in their Lordships' House that which he had no foundation for stating. Now, it was not in his nature so to act towards his brother-soldiers, and he should be ashamed of himself if he thought that he could be capable of making any statement relative to them, for which he had not good and fair grounds. The statement in the letter of Colonel Evans ran thus:—

> "But anonymous aspersions, whether absurd or atrocious—whether from party motives, private malice, or from persons discarded from our ranks, are deserving of little notice. Not so, however, distinct allegations made in the Senate. For instance—in the House of Lords, the Marquess of Londonderry is reported to have stated, that the British Legion went into action on the 16th of January in a state of intoxication, and that it retreated to Vittoria in the same state, having murdered a considerable number of prisoners. The noble Marquess is further reported to have declared, that he had in his possession proofs of these charges. In my relative situation as your representative, you are interested in this matter. I am, therefore, happy to be able to inform you, and also the noble personage referred to, thus publicly, that there is not one word of truth in the statements attributed to him."

Now it would be in the recollection of their Lordships, that, on the 12th of February, he had, in that House, made the statement which was here alluded to. In the *Gazette de France* of the 6th of February, a letter was inserted, dated "St. Jean de Luz, January 31," which contained the following passage:—

> "On the 17th, in the evening, the soldiers of Colonel Evans on re-entering Vittoria, drunk and enraged at having been beaten, massacred 130 Carlists who had been prisoners for some days. The English officers did all in their power to prevent this cowardly murder; their soldiers, however, would not listen to them, and, with great barbarity, executed their horrible crime."

On the 8th of February, the same account was given in most of the London journals; and on the day which he had already stated, the 12th, he came down to the House, and, in the course of his speech, mentioned the circumstance. On that day a letter had reached his hands, written by an individual extremely well acquainted with the affairs of Spain, and from whom he had repeatedly received correct information with respect to Spain. He opened that letter, and he found there the same observations as were contained in the French paper. Now, he should not have the least hesitation in producing that letter—in laying it on the table, and proving at their Lordships' Bar the grounds and evidence on which he stated the fact, the accuracy of which had been questioned. He did not think, he must say, that he was treated by the noble Viscount (Melbourne) with that degree of candour which he had a right to expect, with reference to the letter alluded to by the noble Viscount on a former evening, and a copy of which he wished to be laid on their Lordships' Table.

The Earl of *Minto* said, the non-attendance of the noble Viscount was owing to his not being aware that the noble Marquess meant to ask any question about the letter to which he now referred. Had he been aware of the intention of the noble Marquess, he was certain that his noble Friend would not have left the House.

The Marquess of *Londonderry* said, he was quite ready to produce the private letter to which he had alluded, and to lay it on the Table of the House. He trusted that he had now justified himself. He had shown the grounds on which his statement rested. In the first place, the French paper contained the paragraph; secondly, the journals of the metropolis had repeated it; and thirdly, he had received private information to the same effect.

Here the matter ended.

HOUSE OF COMMONS,

Friday, April 22, 1836.

Divorce Bills.] On the order of the day for a Committee on Hodges's Divorce Bill,

Mr. *Divett* said, that in a former stage of this Bill, he had given notice that he should on this occasion move certain resolutions, with a view to put an end to the practice that at present prevailed, of hearing witnesses at the Bar of that House in support of divorce bills. He believed that on that occasion his hon. Friend, the Member for Truro, who had charge of the Bill, complained that he (Mr. Divett), in giving such a notice, was holding out a threat to the parties interested in the present case. Now, he held out no threat whatever, nor had he the slightest intention to stop the proceedings that might be going on in any particular case before the House. In moving the resolutions which he now intended to submit to the House with regard to its proceedings generally in divorce cases, he did so without having the slightest acquaintance with the parties interested in the case immediately before the House. He brought forward these resolutions because he had seen that the proceedings in divorce cases before that House were calculated to excite feelings of shame and disgust, because such proceedings appeared to him to be a total mockery of judicial investigation, grossly indecent in their character, and by no means productive of the ends of justice. He might be told, to be sure, that all such cases had been previously investigated elsewhere—in the House of Lords —where the evidence was properly sifted and examined. He believed that the judicial proceedings there, in such cases as these, were conducted with becoming decency and due deliberation. But he was altogether opposed to the principle of legislating on such a subject, and it appeared to him that if the power of granting divorces should be continued, a certain jurisdiction should be established for the purpose, and it should be left in the hands of the courts of law. Under the existing law the power was given to individuals, by coming to the Legislature and obtaining an Act of Parliament, to dissolve their marriages. But the enormous expense attendant upon such a proceeding amounted to an actual denial of justice to the poor man. Where he was not in a condition to entitle him to a divorce, it was vain for him to appeal for such a thing, or to come to that House for redress. It was only the rich that could obtain redress in such cases. He repeated, therefore, that if it was wise and proper that the power of granting divorces should be continued, it should be invested in some tribunal easily accessible to all parties, and where rich and poor could meet on equal terms. He would not go the length of saying that divorces should not be allowed at all, but he believed that in the greater number of cases the parties coming to that House for the purpose, came there with anything but clean hands. In the majority of cases there was gross collusion, and it frequently happened that the party most guilty reaped all the advantage, while the party that was comparatively innocent was subjected to degradation and punishment. He had the greatest confidence in the virtue of the females of this country, and he believed that in the greater number of divorce cases that came before Parliament, the thing was caused by the misconduct of the other sex. He would not on this occasion go at length into the law on the subject of divorce, in order to show, that the practice was not conducive to the public welfare, virtue, or happiness, but he would content himself with proposing resolutions for the purpose of removing a gross and acknowledged evil—for the purpose of putting an end to the scenes connected with the examination of witnesses in divorce cases at their bar—scenes that he never was present at without pain, and for the purpose of abolishing what was a total mockery of a judicial investigation, and which was only calculated to excite shame and disgust. The hon. Member concluded by moving three resolutions to the following effect:—First, that the practice of examining witnesses at the bar of that House in Committees on Divorce Bills was an imperfect mode of judicial investigation, and ought to be discontinued. Second, that the privilege of obtaining divorces by Act of Parliament is, from its expense, exclusively afforded to the rich; and therefore calculated to bring discredit on the impartial distribution of justice, and the character of Parliament. Third, that the only effectual remedy for these evils would be found in the confinement of legal proceedings for divorce to the courts of law.

Sir *Robert Inglis* said, that when the hon. Member had on a former occasion intimated his intention of bringing forward this proposition, he did not then object to it because it went to take away the jurisdiction of Parliament in such cases; he did not go into that general question at the time, but he objected to it because it was calculated to cast needless expense upon parties who, on the faith of the existing law, had applied to Parliament for relief, and who would find new difficulties interposed in their way by these resolutions, to which their attention had not and could not have been previously called. He would, therefore, respectfully suggest to the hon. Member that it would be better to withdraw his present proposition, so that it should not have reference to any particular case, and to take the sense of the House upon it on some other occasion, as a distinct and abstract proposition. He believed that he only spoke the general feeling of the House in throwing out that suggestion. Let the hon. Member propose these resolutions at the end of the Session, or at any period during the Session, provided that they were made prospective. It would be better still if the hon. Member would give notice of them for next Session; at all events, the Bills brought this Session into either House of Parliament on this subject, and which had been introduced on the faith of the existing law, should be allowed to go on. Feeling the inconvenience of discussing a question like this on a motion of which no notice had been given, and of debating a great public principle in a stage of a private Bill, he would again suggest to the hon. Member the propriety of withdrawing his motion for the present.

Mr. *Ewart* said, that he felt thankful to his hon. Friend for bringing this matter under the notice of the House. The hon. Baronet, the Member for the University of Oxford, should recollect that his hon. Friend, when this Bill was last before them, gave notice that in the present stage of it he would propose these resolutions. He cordially concurred in the general principle laid down in them. He thought that that House was never turned into a judicial tribunal with good effect. Nothing could be more disgusting than the exhibitions which were made at the Bar of the House in Committees on such Bills — nothing could be more disgraceful to them as a Legislature than all the proceedings in such matters; he had always witnessed them with pain and regret, and it was therefore with great satisfaction that he found the matter taken up by his hon. Friend. He trusted that the subject would hereafter be brought as a general question under the consideration of the House.

Mr. *Tooke* said, that the hon. Member for Exeter had, in making his proposition, disclaimed any intention of throwing any additional expense on the parties in the present case. The fact was, however, that if he persisted in his proposition, a great deal of extra expense would be thrown on the parties, who had their witnesses in town, and their counsel in attendance. He thought that a proposition of this kind should be brought forward as a general proposition, and should not have reference to any particular case. He therefore hoped that the hon. Member for Exeter would withdraw his motion.

Mr. *Divett* said, that he had no wish to persevere in his motion against the expressed sense of the House. He was ready to admit, that he had made the motion without proper notice, and he would confess that his object in moving the resolutions was to produce the discussion that had taken place. It appeared to him that the subject was one well worthy the attention of the House. As to bringing it forward on some future occasion, there were several Members more competent to do so than he was, more especially his hon. and learned Friend, the Member for the Tower Hamlets, whose knowledge and experience would recommend any motion from him on the subject to the peculiar consideration of the House. His (Mr. Divett's) object was to abolish the present system, than which he believed none worse ever existed in any country. His opinion on that point he desired to record in the resolutions he had proposed, but he would not press them on the present occasion against the sense of the House, and more particularly as he did not wish to throw any difficulties in the way of the case immediately before them. Under such circumstances, he begged to withdraw the resolutions.

Resolutions withdrawn.

City of London Corporation.] Mr. *William Williams* wished to ask the noble Lord, the Secretary of State for the Home Department, whether it was his intention this Session to introduce any measure for effecting a reform in the Corporation of the city of London. He was induced to ask this question in consequence of the strong feeling which prevailed in the city on this subject. It was considered, that since other Corporations had been favoured with a measure of reform, there was no just cause why the city of London should be made an exception. He also begged to inquire the reason why the Report of the Municipal Corporation Commissioners with regard to the city of London had not yet been laid on the Table of the House?

Lord *John Russell* replied, in answer to the second question put by the hon. Member for Coventry, that he understood the Report was not yet completed. That would account for the answer he should give to the first question—namely, that until he had an opportunity of considering that Report, he could not introduce a Bill with respect to the city of London.

Mr. *James Blackburne* said, he could probably answer the question in a more satisfactory manner to the hon. Member for Coventry. The reason why the Report was delayed was, that one of the Commissioners had been so busy in other employments, that he had not been able to undertake his share of the labour of preparing the Report; but if the noble Lord would be kind enough to spare him for two hours on three or four successive days, he had no doubt that the Report would be soon finished. [*"Hear," and laughter.*] The Commission had expired long ago, and nothing remained but to finish this Report, which could not be done in the absence of the Commissioner he had alluded to.

Subject dropped.

IRISH TITHES.] Sir *Robert Peel* said, it would be satisfactory if the noble Lord would state whether the measure he intended to bring forward on Monday would involve any principle of appropriation, or any principle likely to be contested. As this was Friday, he thought it but just that the principle of the Bill should be stated.

Lord *Morpeth* replied, that the terms of the resolution he intended to propose was to the effect, "That it is expedient to commute the composition of Tithes upon a rent-charge upon owners of property, and to make further provisions for the better regulation of ecclesiastical dues and revenues."

Sir *Robert Peel* apprehended, that there was nothing then in the resolution that involved a contested principle.

Lord *John Russell* said, that care had been taken so to frame the resolution as not to use any objectionable terms.

METROPOLITAN POLICE.] Mr. *Hawes* said, that about two years ago a Committee was appointed to inquire into the metropolitan police, and in their Report they recommended certain improvements involving considerable public economy; he wished to ask the noble Lord (Lord John Russell) whether it was likely that Report would be acted upon?

Lord *John Russell* said, that with respect to the recommendations of that Committee, he had certainly had them frequently before him, but he could not say that he was fully convinced of the propriety of adopting them all, for he thought some of them would cause inconvenience in the administration of justice in the metropolis. As far as he had been able to judge of the police, he had reason to be satisfied, both with that small portion which was under authority of the police Magistrates, and the larger body which was under the direction of the Commissioners of Police. At the same time he did think that many parts of the Report were worthy of consideration, and he hoped before long to give the hon. Gentleman some more definite information upon the subject.

Sir *Robert Peel* would take that opportunity of urging upon the noble Lord to take into his consideration the position of the Chief Commissioners of Police. When he (Sir Robert Peel) first instituted that police force, he expressly limited the salaries of the Commissioners to a very low amount, because it was an experiment. He at first intended to have appointed two, for the same reason. The two Commissioners who were appointed, had acted with unabated zeal and activity in the discharge of the duties which had devolved upon them, having acted also in perfect harmony together. But he must say, that their labours had been extremely heavy and severe, and, considering the limited allowance made to them, their character and conduct, and the complete success of the experiment, he thought they had a strong claim to some additional remuneration. He felt bound to bear this testimony in favour of these officers, because when the experiment was in its infancy he was the person who limited the salaries and the number of the appointments. He did not ask the noble Lord to give any opinion on the subject now, but merely wished to direct his attention to it.

Subject dropped.

CARLOW ELECTION—MR. O'CONNELL.] Mr. Sergeant *Wilde*, in explanation of the observations he made last night upon the conduct of Mr. Raphael in respect to the payment of the money, begged permission to read the two extracts from the evidence taken before the Committee to which he had last night referred. The following were the passages read by the hon. and learned Member:—

"Had you any communication with Mr. Raphael soon after that petition was presented, upon the subject of the prosecution of it?—I had several.

"Will you detail what passed between you and him on that subject?—I met him at various times, and explained to him the exact state in which we stood. I mentioned the nature of the petition, and the very great grounds we had to expect success. I mentioned to him that there was every probability of the seat being opened, and I referred to our previous negotiation, and told him that now was a favourable time for his uniting himself to the county, and identifying himself with the county and with the interest of the Liberal party of the county; that our cause was good at the time, but that our funds were weak; that any gentleman situated as he was, who would aid us in prosecuting that petition, if in other respects suited to us, as what we viewed him at the moment, that we would look upon him as having a claim to our support when the seat was opened. I stated to him the nature of the expenses that the petition would probably run to, and the expenses that the county would look to him to defray for that purpose, and entered generally—

"You say you told him what expenses the county would expect him to defray, will you give the Committee a general statement of what you said to him upon the subject?—It was very general; I stated to him that the expenses of the petition might vary from 500*l.* to 1,000*l.*, but at the same time I stated that the county had subscribed to a certain extent, and that it was only certain assistance that we should expect from him, but not the entire. I then further added, that there were certain expenses which I had been already in negotiation with him about when the contest would ensue, but, however, I found that Mr. Raphael was by no means inclined—

"State the substance of what he said?—He stated in general that he was disinclined to run any risk; if the seat was opened, and there was a certainty of success, that then he would come forward and meet our wishes, but he generally stated his disinclination to run any risk on the occasion.

"Did he say anything on the subject of expense, or the amount of it, or in what way he estimated that?—He stated, that expense was no object to him; that in case of being returned, no expense he would consider as too great for the paramount object of his ambition; he spoke, in fact, of thousands that he would give, while I was telling him that we wanted a more moderate sum; he went far beyond me in his professions to meet our wishes.

"If we were not sure of having a candidate, we should not have been very likely to go on with the petition; he gave us every reason to suppose that, in the event of success upon that petition, we should have him as a candidate, when the seat was opened.

"Did you continue that petition in any degree with a view of having Mr. Raphael at the end of it as a candidate?—I should say that we certainly continued it with the expectation of his being a candidate, one of the candidates, from the encouragement which he gave us, though he would not have anything to say to us while there was a doubt; we were certain that he would come to our terms when there was a certainty."

Sir *Frederick Pollock* said, as his hon. and learned Friend (Mr. Sergeant Wilde) had addressed the House, he supposed it was naturally expected that he should also do so. After, however, what had fallen from the Chair, he should have been disposed to take no part whatever in the discussion; but the resolutions proposed by the noble Lord, and the speech of his hon. and learned Friend, had left him no other course to take than that to which he now with great humility applied himself; and he respectfully claimed the indulgence of the House while he proceeded to speak of matters in which he had been personally concerned. In the outset he would state that he did not mean to vote on this question. He made that communication at once, because he thought it was the course which he, and he would say his hon. and learned Friend too, ought to take in reference to the subject now before the House; and he begged leave to state to the House why he thought he should adopt that course. It could not have been without grave reasons, that when the House, did his hon. and learned Friend and himself the honour to appoint them nominees in this affair, it accompanied that nomination with this additional limitation to their powers—that they should not vote in the Committee. The object of that order was perfectly intelligible; it was to give the whole transaction, as far as possible, a judicial character, and also to give to his hon. and learned Friend and himself, as far as possible, an unrestrained and an unembarrassed opportunity of discharging the duty which, under the direction of the House, had devolved upon them. He thought the decision of the House on that point was a correct one. If it had been doubted, some of the expressions which fell from his hon. and learned Friend last night abundantly proved the correctness of the course which the House had taken. When he heard his hon. and learned Friend speak of Mr. O'Connell as his client, and of keeping back a certain document until he had ascertained whether it made for or against that client, and when he heard him further state that he had laid a trap for the other side—if he could have doubted it before—and he had the utmost confidence in the wisdom of that House—he was then perfectly satisfied that it was essential to the dignity of the proceedings, to the consistency of the House, and to the judicial character of that transaction, that neither his hon. and learned Friend nor himself should be permitted to vote. If he was not permitted to vote on the Committee, he did not think himself at liberty to vote now. If he was bound at that time to keep within the limitation which this House thought necessary to fix for the preservation of the judicial form of the proceeding, he thought he was now placed in a situation which prevented him from giving a vote on any matter arising out of that proceeding. But he thought the House and the country expected that he should take some part in the present proceedings. He could, however, assure the House, that it was not his intention, although his hon. and learned Friend became the advocate of Mr. O'Connell, to take up the question in a partial manner; neither did he mean to travel through the volume of evidence before the House, little of which he had read or heard since it was given.

But it was essential, from the part which he had taken during the proceedings before the Committee, that he should make some remarks on the question now before the House. At the time he was named as one of the nominees upon this inquiry, he was utterly ignorant of the petition which had been presented, nor had he any acquaintance whatever with the transaction, except what was within the means of every hon. Member; he had no desire to occupy the situation with which the House honoured him, but he felt that it was a public duty which he was bound to discharge, and when he found what was the determination of the House as to the course he should take, he certainly laid it down as a rule to himself that nothing should occur on his part to give that transaction in the slightest degree the character of a party transaction. He was called upon very early in the proceedings to state the charge against Mr. O'Connell. He gave the hon. Members, who made that request, full credit for having no intention to limit the inquiry by putting it within the trammels of an indictment; he gave them full credit for intending to confine their attention, and to have their attention directed to some specific object; but he declined for two reasons. In the first place, he stated that which was the fact, that he was in possession of no information beyond that which was within the means of every other Member of the Committee; and, further, that he did not come there to be the public accuser of Mr. O'Connell, but to assist the Committee in their arduous duty. He never saw, or had any communication with, the witnesses before their examination. He had no other information than that which was communicated to the House and the country by his hon. and learned Friend when he moved for the appointment of the Committee. He was then called upon to examine all the witnesses, which he declined, and the Committee thought he was correct in doing so. In another stage of the proceedings he put a question to the banker's clerk as to the state of Mr. O'Connell's account at the time. He did not ask to see Mr. O'Connell's banking account. Several Members of the Committee expressed a reluctance to inquire into the private circumstances of any Gentleman, a sentiment in which he entirely concurred. But the question was urged by some of the Committee as to the state of the banker's account at that time, because, if Mr. O'Connell had overdrawn, it was concluded that the first application of money would be to make up the deficiency. He did not persevere in that inquiry. Mr. O'Connell handed up his banker's book with an offer to let it be used in any way that might be desired. He looked at a single page of that book merely to see if the account was open at the time or not; he made no use of that, neither would he state now, unless the House thought fit, the reasons why he did not make use of it. The inquiry went on, and it was distinctly stated and admitted, that the money being paid in cash to Mr. O'Connell, and repaid in bills, was an accommodation, and that course was adopted for that very reason. After that it did not appear to him of any importance whether Mr. O'Connell's account was overdrawn or not, because if that was an accommodation Mr. O'Connell had the benefit of it. He admitted that the money was laid out, and that discount was paid by Mr. O'Connell. He then thought it unnecessary to call the attention of the Committee to that account, and he would not state now what it was, or how far it affected the merits or demerits of the question. His learned Friend called, or rather put into the chair of the witness, Mr. O'Connell himself. He declined putting any question to Mr. O'Connell; that course might not give satisfaction to some hon. Gentlemen; but when he learned that a trap was laid for him, he did not repent the course he had pursued. He must say that he thought it rather extraordinary that Mr. O'Connell, who at the outset declared that he did not intend to be a witness, should at last present himself to be cross-examined. He concluded, and he stated at the time his opinion, that the object was to prevent any case being made out, by an examination of the party himself. Mr. O'Connell was either a party or a witness, and as a party it would have been contrary to the principles of justice, which he had hitherto admired in our law, to examine him, and he was quite sure that his hon. Friend, the learned Sergeant, knew that it was contrary to the rules of the profession to do so. He could not enter upon the cross-examination of any witness, who had not pledged himself to a single fact, and who could not contradict a single statement before placed on the record of the Committee. He now learned that there was a case behind—that was, the offer of a Baronetcy to Mr. Raphael; and he understood that case was a triumphant one—that if Mr. O'Connell had been examined, he would have come out of it triumphantly. He therefore must say, that he regretted his hon. and learned Friend had made so little use of the presence of the learned Gentleman in the witness chair as only to bait his trap with it. If that case could have been so triumphantly cleared up, why was it not attempted last night by Mr. O'Connell himself? He gave Mr. O'Connell the full benefit of the manner in which he paid over the money, and of his offer to become a witness in his own case; he was entitled to the full benefit of those facts, but at the same time he had no right to expect that those matters should be disbelieved which were stated to have occurred between any witness and Mr. O'Connell himself, which he might have contradicted, but omitted to do so. The extraordinary letter relating to the Baronetcy was received some days after Mr. Raphael was told in a short conversation with Mr. O'Connell that all was right, at which Mr. Vigors was stated to be present, but not near enough to hear what passed. But Mr. Vigors was not examined in confirmation of that fact. He hoped the course which he took in not examining Mr. O'Connell, under these circumstances, was understood, and that Mr. O'Connell would be allowed the full benefit of that course, and of the fact that he was ready to be examined as a witness in his own case. At the same time, if any one chose to draw an inference from the statements of the witnesses which Mr. O'Connell did not contradict, he was fully entitled to do so. He begged now to call the attention of the House to one point which had been often adverted to before. It was distinctly proved in evidence, that there was a specific agreement for the sale and purchase of a seat. The following was the language of a letter from Mr. O'Connell to Mr. Raphael:—

> "You have acceded to the terms proposed to you for the election of the county of Carlow —viz. you are to pay before nomination, 1,000*l*., say 1,000*l*., and a like sum after being returned, the first to be paid absolutely and entirely for being nominated."

One thousand pounds then was to be paid for the nomination, and another 1,000*l*. upon the return, whatever might be the expense, or if there was no expense. He cared not who introduced Mr. Raphael,— he cared not whether Mr. O'Connell was an agent or friend, or whether he was connected with the election or not; the transaction was a gross breach of the privileges of the House. He could well understand how hon. Members on that Committee, under the fullest impression of their duty, might deem it unnecessary to travel further into the inquiry, but he could not understand how it was possible for that House, having its attention directly pointed to this case, no permission being given to parties to shut their eyes to it, to come to any other conclusion than that it was a gross breach of the privileges of the House. He begged to call attention to a precedent which occurred in 1766—he alluded to the case of the city of Oxford, under an unreformed Parliament. He understood his hon. and learned Friend, who addressed the House last night, to say, that the criterion was not whether corruption or not was proved, but whether any body obtained any personal benefit. He denied that that was the law, or was ever considered to be the Parliamentary construction of the law; it was no criterion on the subject. Beyond all doubt, if there was personal and pecuniary corruption, there was an offence committed; but there might be a desire to do an unconstitutional act, which would amount to an offence in the eye of the law. Now, what was the case of Oxford? It was contained in the Journals of the House of the year 1768, page 566. He begged attention to it, as he quoted it from the Journals. The hon. and learned Gentleman then read the following letter from the Mayor of Oxford to the hon. Robert Lee:—

> "Oxford, May 12, 1766,
>
> "SIR,—The debts and circumstances of the city of Oxford having been laid before a Council of the City, held by order of the Mayor, on Monday the 24th of March last, and it then appearing that the city were indebted to their bond creditors in the sum of 5,670*l*., exclusive of the annuities, benefactions, and charities, which are paid by the city, and annually amount to more than the net income of their estates; and as some person or persons have, without consent of the council of this city, taken upon themselves to expose the city to a person in London, by offering to elect any two persons to be Representatives for this city in Parliament at the next general election, who would advance 4,000*l*.

This sum, no doubt, the mayor and council thought an exorbitant demand for this representation of their city, and they therefore, went on to say:

> The mayor and council, therefore, unanimously came to a resolution, in order to prevent all opposition, animosity, and confusion, and to extricate themselves out of their present difficulties, to apply to you and Sir Thomas Stapleton (in the first instance) for your assistance to dis-

charge the bond debts due from the city, by which means they will be enabled to do justice to their creditors, and, as they apprehend, preserve peace and unanimity in the city. But if it should not be agreeable to you and Sir Thomas to advance the money, the whole council are determined to apply to some other person or persons in the county to do it, and, if possible, by that means to keep themselves from being sold to foreigners. We, therefore, whose names are hereunder written, have, by order of the council, taken the liberty of troubling you with the above, and also with the enclosed state of the city debts and income, and as we are directed by the council to report your answer to them, so we must beg leave to trouble you to send your answer to the mayor, as soon as it is agreeable to you, that he may call a council, and lay the same before them."

This letter was signed by Philip Ward, mayor, John Treacher, Thomas Munday, Thomas Wise, John Nicholls, John Phillips, Isaac Lawrence, Richard Tawney, Anthony Weston, and also by Thomas Robinson, and John Brown, bailiffs. In the postscript, the writers said,

P. S. The Corporation think themselves very much obliged to you for your late generous benefaction to them, and are sorry their necessities oblige them to trouble you with this letter.—

"To the hon. Robert Lee."

This application was in writing, and was accompanied by a document of the sums for which the Corporation stood indebted, and certainly the document was more specific than that which was given in with respect to the county of Carlow. He had the account then before him. It was dated the 12th of May, 1766, and on looking over the items, it did appear that there were none of them in which any of the parties who had signed the letter had any personal interest. The yearly outgoings of the Corporation were thus described:—

	£.	*s.*	*d.*
Interest on bond debts . .	226	16	0
Annuities	279	10	0
Benefactions and charities . .	172	6	8
Fee Farm	51	0	0
Land-tax and quit-rent . .	41	18	5
Yearly payment to officers, &c.	81	0	0
Workmen's bills . . .	50	0	0
	£902	11	1

From this was deducted the income of the Corporation, amounting to 601*l.* 7*s.* 2*d.*, leaving an annual deficiency of 301*l.* 3*s.* 11*d.* The reply of the hon. Members to whom this application was made, was such as did honour to the writers, and would do honour to any Member of Parliament, reformed or unreformed. The reply was dated the 30th of July, 1766, as follows:—

"Mr. Mayor and Gentlemen,—We think it incumbent on us to return you thanks, for the preference you are generously pleased to give us of purchasing your Corporation, but as we never intend to sell you, so we cannot afford the purchase. As it has been always our determined resolution, that if we could not serve our country, we would not be concerned in betraying it; while you remained independent, we thought it a peculiar honour to represent you, and had you continued in that state we should have been heartily and sincerely at your service.

"Robert Lee:
"Thomas Stapleton."

It was unnecessary for him to detain the House, by going through the Journals, with a detail of the result. Those hon. Members who chose to inform themselves further on the matter, would find, at pages 583 and 597 of the Journals of that year, that the whole of the parties who signed the first letter he had read were ordered to attend the House on the Friday following, and were then committed to Newgate, as being guilty of a breach of the privileges of the House, and some days afterwards, on presenting a petition, expressing their sorrow for the offence, were brought up and discharged, after having been reprimanded by the Speaker, that was recorded on the Journals. Now, he would ask, what was there in this case which showed that any of the parties concerned had any personal pecuniary interest in the matter for which the House punished them? Compare it with the case now before the House. In this case a part of the sum demanded for the seat for the county of Carlow was to go to the fund of the Carlow Liberal Club—and for what?—to pay the rent of those tenants who might be ejected for giving particular votes. Why, this was the iniquity of bribery avowed in the open day. An hon. Member had said, that rather than this system, he would prefer the ballot, and he, (Sir F. Pollock) would also say, though no friend to the ballot, that rather than this system he would give the ballot the preference. For what did the practice amount to? It was saying in plain terms, "If you vote with me, I will pay your landlord the rent now due—if not, you may pay the rent yourself." He would put it to the House whether this was not the fair meaning of the matter? He asked the House, if they passed over a question of this kind, where was the principle involved in it to end? What difference, let him ask, was there between this case and that of a man who was indebted to another, and should go to this Carlow Club and say, "I owe such a sum; the party to whom I owe it is about to insist upon repayment, which I am unable to make; do you pay the debt and make me a free man, and I shall vote as you wish." What would the House call such a practice? Was it not that which was heretofore called bribery, and if it was to be passed over in reform times, when it would not have been tolerated in an unreformed Parliament, he would again ask, where was the system to end? Put the case of some dealer or shopman being reduced in circumstances, and having fallen into difficulties—imagine him going to a club and negotiating with them —imagine this man saying, "I have lost all my customers, and I beg you will remunerate me for my loss, by giving me an annuity, or by stocking my shop again—pray put me in the same condition in which I was before, and then I will vote for you." He thought, however, that it was trifling with the time of the House to dwell on this point further, and he thought the House must see, that his hon. and learned Friend's judgment had been carried away by his feelings, or that he could not have advocated a principle which was opposed to his practical good sense, and which was one which his high honour would never tolerate. There was a practice, though it was some time since it existed, of advertising, and advertisements were frequently to be seen to this effect:— "Wanted a seat in a certain Assembly." Now, did his hon. and learned Friend mean to say, that if this practice were not to be discontinued, that persons might again advertise for persons ready to advance two or three thousand pounds for any legal expenses, as they might be termed to get a seat in a certain Assembly? Here the fact was so. Mr. Raphael came forward as a rich man to obtain a seat, and the Liberal Club at Carlow and others treated with him for a seat. This, then, involved considerations of a great constitutional nature. He thought if the House passed this affair by, as the noble Lord proposed to do, they would set an example and establish a precedent which was most dangerous to the Constitution. They would revive a practice which had been held up to abhorrence, and they would revive a system of trafficking in seats which, in its results, must of necessity be fraught with imminent danger to the preservation of the privileges of that House. What did Mr. Raphael represent in that House except his 2,000*l*. This was the view which he took of the resolution of the noble Lord, as opposed to those of his hon. and learned Friend, the Member for Bradford; and while he was on this part of the subject, he would call the attention of the House for a moment to another point. If he understood his hon. and learned Friend rightly, (and if he had misunderstood him he regretted that fact), he believed he asked for what superlative virtue was Mr. Raphael excepted out of the resolution of the hon. and learned Member for Bradford. Now, if his hon. and learned Friend the Member for Newark had read the evidence with no more attention than he had this resolution, he could not have derived much information from it. The resolution to which he referred was this, that an agreement having been entered into between Daniel O'Connell, Esq., a Member of that House, and the said Alexander Raphael—"Resolved, that to enter into or to consent to such an agreement, was a high breach of the privileges of this House." Now, he would ask, whether this resolution was not a complete answer to the observations of the hon. and learned Member for Newark? He was not there for the purpose of saying anything harsh of any person, but he did feel himself imperatively called upon by a sense of public duty, to say something on the course which had been adopted by his hon. and learned Friend. He did feel himself bound to say, that the resolutions of the hon. Member for Bradford implicated all parties so much, that the House could not pass them by. But he was, indeed astonished at the manner in which a noble Lord had entered upon this question. He agreed with his hon. and learned Friend in the opinion that the question of the offer of the Baronetcy was beside the present inquiry, and that was the reason why he did not notice it in the cross-examination; that was the reason, why he did not put a question to any one upon it. And when his hon. and learned Friend the Member for Newark suggested that had the hon. and learned Member for Dublin been examined as a witness, a triumphant answer would have come out, he must say, that he would have been glad to have had that answer. He had been and was most desirous to know under what circumstances this could occur. He knew that there was a manner of triumph in the demeanour of the noble Lord (Lord John Russell), and a tone of what he would almost term presumption in the way in which the noble Lord had introduced the subject. That noble Lord had said, that he considered this case to be a most satisfactory one, in reference to the charge which was continually made, that the present Government were under the influence or slavery of the hon. and learned Member for Dublin. Let him ask the noble Lord, if he were in his place, for he (Sir F. Pollock) could not see across the floor, or let him ask some other Member of the Government there, had Mr. O'Connell asked for the Baronetcy and been refused? Because unless Mr. O'Connell had applied to the noble Lord, the Member for Stroud, (Lord John Russell) asking him for a Baronetcy for Mr. Raphael, as a recompense to that gentleman for having been disappointed of his seat for Carlow (he having been turned out and having represented his 2,000*l.* only a short time), he thought the argument of the noble Lord came to nothing. He did not, therefore, understand how the noble Lord could say, that this case was a complete answer to the charge that Mr. O'Connell had any influence with the Government. If so, he must have asked for the Baronetcy and been refused. He alluded to this part of the subject not with any degree of satisfaction, for nothing but the allusion which had been made to it would have induced him to advert to it, for he would say fairly, that it was his anxious wish to give the hon. and learned Member for Dublin the fullest benefit of the sort of acquittal by the Committee, of the charge of personal pecuniary corruption, and he should have been glad to have taken the same view of the affair. A distinction, indeed, was to be drawn between the offender who was guilty of offences against society, which excluded him from all claim to respectability, and an irregularity as to the bargaining for a seat in that House; an offence which, many years ago, when he was not a Member of that House, was not considered so grave an offence as it ought to have been. Another view of the subject, which he was not disinclined to think ought to be taken by many hon. Members, was, that Mr. O'Connell having been exposed to the ordeal of the former inquiry, in whatever way that ended, whether there had been a miscarriage or not—whether the Committee had followed out their duty to the full length or not—there had been one trial, and there ought not to be another. He might be influenced in part by professional prejudices, which, after all, were generally founded in justice and proper feeling; but he was of opinion that all possible weight ought to be attached to that point. Hon. Members of that House had been selected and called upon by name to perform a painful, arduous, and most invidious duty; and they had performed that duty with care, with intelligence, integrity, and an intention to do what was right; he, therefore, owned, that, for one, he did not think they should adopt, upon light grounds, any course that expressed the remotest dissent, or placed those hon. Members in any situation which might make other hon. Members, in future, reluctant to take on themselves a similar task. While however, he stated, he hoped in all candour and fairness, all that he should think belonged to the question, as favourable to the hon. and learned Member for Dublin—while he disclaimed the part of being his accuser here—while he wished to give the fullest effect to every thing which passed before the Committee favourable to him, he must say, that there were features in the case which, to use the expression of a celebrated writer, could only be passed by without censure, when they were passed by without observation. As to the traffic and sale of a seat, he begged to state his opinion on the point of constitutional law. He had already shown the fallacy of his learned Friend's criterion of corruption, that a party to be guilty of it must have a personal interest in it; and he would say, that the instant money was placed by an individual in the hands of others, to be applied for his election to a seat in that House, as it had been in the case before them, that moment the Constitution was violated—whether it was for purposes of charity or justice—or of independence, to take the view in which, he believed, that his learned Friend had put this case. As if a bribe one way was an offence, and a bribe the other way made a man independent. He objected to it on principle, as furnishing the most obvious, direct, and easy covering for bribery of every sort. There was no bribery which the rich man could exercise, which would not be at once sanctioned, if the House passed by the present case. He trusted that the House — the Reformed House of Commons—would take care that when they came to a vote upon the subject, in which, for the reasons which he had stated, he could not participate, that they did nothing to sanction a violation of their privileges, or endanger the constitution of Parliament, and thereby the liberties of the people.

Mr. *Ward* said, that though it might appear presumption in him to follow the hon. and learned Gentleman who had just sat down, he could not, as a Member of the Committee, avoid saying a few words on the motion before the House. The hon. and learned Gentleman had, he thought, dealt rather hardly with the hon. and learned Member for Dublin, for while he concurred in the decision of the Committee, which had completely acquitted that hon. and learned Member of all personal corruption, he had left it to be inferred that the hon. and learned Member had derived advantage from the fact of having got cash and given bills for part of it. Now, he thought that even a slight reference to the evidence would show that no such conclusion could be fairly drawn. At question 2,047 of the evidence, Mr. Vigors was asked—"Do you know why it was that Mr. O'Connell sent part in a bill payable at sight, and part in a bill at sixty-one days' date?" The answer was "No; Mr. O'Connell has mentioned, at a subsequent period, to me, that sending bills was an accommodation, and he mentioned to the gentleman who got the bills from him that he would give the money at sight, if the bills were not equally acceptable to me, and I sent back word that the bills were as good to me as cash, and therefore I would receive them as cash; but at the time when I received the 304*l.* bill, I never inquired why I received it. It was the same as cash, and therefore I received it as cash; it was sent to my banker's." In question 2,127, he was asked—"Did you accept the bills for the balance for your own convenience or for Mr. O'Connell's accommodation, or for what other reason? I received them with as much ease and satisfaction as I should have done the cash, Mr. Fitzgerald at the same time mentioning to me, that Mr. O'Connell had particularly desired him to say, that if I wished for cash, he would send me cash instead. I said that it was of no consequence." In question 2,214, he was asked—"Was the 2,000*l.* always forthcoming when you applied for it to Mr. O'Connell, and when paid in bills at long dates, was there any loss or delay attending them?" Mr. Vigors answered, "The money was forthcoming the very instant it was wanted and called for, and the transaction respecting bills did not cause us to lose one single shilling of the money, nor was there any loss to any individual in consequence of those bills." Now, he thought, after such evidence as this, and the decision of the Committee founded upon it, it was not fair or candid in the hon. and learned Gentleman to leave it to be inferred from his remarks, that some pecuniary advantage had arisen to the hon. and learned Member for Dublin from the transaction. The hon. and learned Gentleman had spoken of the trap which he said had been laid for him by his hon. and learned Friend (Mr. Sergeant Wilde), in putting the hon. and learned Member for Dublin in the box. [Sir *Frederick Pollock:* I did not fall into it.] No; but the hon. and learned Gentleman did not avail himself of the opportunity thus offered to him of putting questions to the hon. and learned Member. The hon. and learned Member seemed to dwell much on the letter to Mr. Raphael being a breach of privilege. Why, the hon. and learned Gentleman must have known that at the time the Committee was appointed; why had he not urged it then? If it were a breach of privilege, why should the Committee have been appointed? But the Committee had decided that it was not a breach of privilege. ["*No! No!*"] Hon. Members said "No," but he would defy any hon. Member to put his finger on any one passage in the Report which said that it was. If the letter were a breach of privilege, and the Committee decided it was not, they were guilty of a gross dereliction of duty. In his apprehension, the hon. and learned Gentleman who had last addressed the House ought to have proved that which he merely contented himself with assuming. He had not by any means succeeded in proving that the conduct which formed the groundwork of the accusation now before the House amounted to a breach of privilege. As to the case of Oxford, to which the hon. and learned Gentleman had alluded, for the purpose of illustration, there really never was anything so completely pressed into the service, for not the slightest analogy subsisted between the two cases. The letter from Oxford came from the mayor and corporation of that town, they having their own corporate interests to take care of. To establish the analogy, the hon. and learned Member should have proved that in the case of Carlow, a rich candidate had been advertised for; and it should further be shown that the proposition to him was, not that he should bear the legal expenses alone, but that the parties seeking for him were to derive private advantage from the transaction. One of the most important considerations connected with the subject was the question of the expenses paid for the Carlow election—were they legal or were they not? It happened in this case, though it very rarely did in the cases of other elections, that an exact account was kept of the whole of the expenses—that every farthing of the expenses was set down, and that, within a very small amount, the account was made to balance. He believed that the hon. Gentlemen opposite, who were now such purists on the subject of election, could scarcely at one of their elections produce so exact a statement of receipts and disbursements. The Committee went most carefully through the whole of the account, and were not able to discover a single instance in which any payment had been made, or even promised beforehand. There might have been some mention of contingent and prospective payments, there having been, as the House well knew, a system of proscription introduced in Carlow, giving occasion for some sort of protection for voters; but payment to a Liberal club was a very different thing from saying to an elector previous to an election, "Vote for my candidate and against your landlord; do that, and you shall receive a certain sum of money." To prove that would, no question, be to prove corruption; but the analogy attempted to be established between that and other cases in which it was alleged that bribery took place, appeared to his mind to have signally failed. There was one circumstance which he now wished the House especially to bear in mind—that the Member for Dublin was not on his trial; it was the Carlow Committee who were on their trial. And now he would beg to put this question:—was there a single instance upon record of a Committee of that House, charged with judicial functions, reporting on all points to the House, and, in the end, finding their Report disallowed? He would ask hon. Members, on the opposite side of the House—he would appeal to the most experienced amongst them, if, in all their experience, they had ever heard of such a thing? He would further ask, was there the slightest imputation resting upon the Carlow Committee? He desired also to know if any gentleman present meant to say, that the Committee had given the go-by to any portion of the charges? Had they not gone fully, carefully, and scrupulously through every one of the charges? And the result of that care was, that there existed no difference of opinion between them; they came to an unanimous decision, though certainly he must acknowledge that that decision was not such a one as the hon. Member for Bradford would have recommended. The Committee which sat on the case of the Carlow election, and of which he had the honour to be a Member, performed a solemn judicial duty, and he trusted he might be permitted to say, that in discharging that duty they had discarded all party feeling. He would, begging pardon of the House for troubling them with anything that related to himself, appeal to hon. Members if he, though designated as a partisan, had not altogether discarded anything like party feeling, and if he had not had a serious difference with his hon. Friend, the Member for Bridport, on the occasion as to the terms in which the Committee should convey their censure, and so far from regarding those then proposed as too strong, he had contended that they were not strong enough, and succeeded in showing that such a letter as that referred to by the Committee in their Report could not come before the House, without such an expression of disapprobation as that which the Committee had used. The real question at issue was, whether the Report so drawn up, ought to be affirmed or disallowed by the House. The hon. Member for Bradford had said, that the Report of the Committee did not meet his views. Very probably it did not; but he must say, that if the noble Lord, the Secretary for the Home Department, had attempted to shirk the question—had, in fact, taken any other course than that which he adopted, the Members of the Committee would have had much reason to complain. It was incumbent upon the noble Lord to have made the motion which he had submitted to the House; for how did the matter stand, as between the House and the Committee? The House had imposed a very important duty, and one involving great responsibility upon the Committee; and when that duty had been most carefully and zealously performed, and with infinite pains to the Committee, the subject was again brought forward, and the decision of the Committee impugned; and yet, if the House sanctioned the motion for proceeding to the previous question, they would refuse to inform the Committee whether the onerous duty imposed on them had been performed to the satisfaction of the House or not. He saw a feeling actuating the hon. Gentleman opposite, which he was sorry to witness in any Member of that House. The hon. Member for Bradford desired to transfer to that House a duty which it was not qualified to discharge, and which had already been fully discharged by a competent tribunal. He would repeat, that the House was no fit tribunal for the decision of any such question; for, looking to the state of the opposite benches, the question, if to be disposed of by the House, would be decided by persons who had not taken the trouble to listen to the statements and reasonings which alone ought to affect such a decision; they could not have the means of doing justice in such a case, for he should not hesitate to say, that those who, before the debate concluded, would come down and occupy the opposite benches, were gentlemen not one in ten of whom had ever read the Report. They had not, then, the means of doing justice; no rational man could doubt that they had neglected to furnish themselves with the means of doing justice; to appeal, then, from the Committee to the House would be nothing less than an appeal from Philip sober to Philip drunk. He must, in conclusion, thank the noble Lord for the course he had taken, and express his earnest hope that nothing would induce him to depart from it.

Mr. *Law* said, that there were two propositions awaiting the consideration of the House. The first, that proposed by the hon. Member for Bradford, was, that it was befitting the House should consider the nature of the contract which the hon. Member for Dublin had entered into, for the sale of a seat in that House. Upon this motion being made, it was proposed by certain hon. Members to meet it by proceeding to the order of the day; but after the discussion upon that amendment had proceeded to some length, it pleased the noble Lord, the Member for Stroud, to affirm that all that had taken place upon the subject had been done in error, and he was at liberty to propose as a second amendment the resolutions which, on his motion, had been put from the Chair. They had now, therefore, to discuss the question as to which side was in error. In his opinion those hon. Members who were favourable to the hon. and learned Member for Dublin would have done much better in voting for the amendment of the previous question, than in raising that brought forward by the noble Lord's resolutions. By those resolutions it was obviously made incumbent on the House to give their grave opinion upon the nature of the whole evidence taken before the Committee. The substance of the resolutions proposed by the noble Lord was, that the House should agree with the Report of the Committee. This he was quite inclined to do. He was willing to adopt the opinion expressed by the Committee as far as it went; but as it had not entered upon certain points of the case, many of them most important as affecting the privileges of the House, he was unwilling to stop at the same point the Committee had done, and, therefore found himself unable to concur in the resolutions of the noble Lord. He could not help looking at the Report of the Committee as intended by the House to be little more than a special verdict on the question, whether or not the privileges of the House had been violated. And in that respect there was an omission; for the particular question, whether or not those privileges had been violated, had been referred back to the consideration of the House. The subject had been treated by the Committee in two points of view—first, whether the alleged offence fell within the meaning of the statute of the 49th of George 3rd; and, secondly, whether it was a violation of the privileges of the House. Now the first point of view was, in his opinion, an inconvenient mode of considering the subject; and therefore, under all the circumstances of the case, he concurred with the noble Lord, the Member for North Lancashire, in regretting that the question of the violation of the statute had been mixed up by the Committee with the question of violation of the privileges of Parliament. It must be the disposition of the House to show the utmost lenity towards the hon. and learned Member for Dublin; but in proportion to that disposition was it their duty to pronounce an unequivocal opinion in a matter of such grave importance. It appeared to him that the transaction in question had been very happily described last night, as "a corrupt contract, with contingent purity." The facts of the case, as detailed in the minutes of the evidence taken before the Committee, had been submitted to the consideration of the House; and it was for the House to decide whether the mere want of a surplus relieved the parties from the guilt of the meditated application of such a surplus. In his opinion it was evident that the bargain was originally corrupt; and that the appropriation of the surplus (if any existed) was intended to be anything but a legal appropriation. On the first blush of the affair, he confessed that it seemed to him to go much further. It seemed to him not only that the transaction was not legal, but that it affected the personal honour of the hon. and learned Member for Dublin. He was happy to say, however, that, on further investigation, he fully and entirely acquitted the hon. and learned Gentleman of any such imputation. He would refer, however, to the evidence of Mr. Vigors to show the nature of the bargain that had been made. In page eighty-two of the minutes, the following passage appeared:—

> "What communication did you make to Mr. O'Connell:—I mentioned the conversation that I had had with Mr. Raphael, and I told him that I wished that he would follow it up, and I mentioned the particular terms on which I authorised him to conclude the arrangement with Mr. Raphael.
>
> "Will you be so good as to state what the terms were?—The terms were those which I had proposed to Mr. Raphael, 1,000*l.* to be paid immediately, and 1,000*l.* to be paid on his return.
>
> "And to what purposes were those sums to be applied?—The application of those sums were to election expenses in general, and the expenses arising out of the election; the application of the first 1,000*l.* was, as I expressed myself to Mr. Raphael, to be to the payment of part of the expenses then incurred for the petition that had just been decided at the moment, and the other part towards the ensuing election expenses, the expenses arising out of the contest."

Now, if there was nothing but that answer in evidence, it would show that in the contract to which the hon. and learned Member for Dublin was a party, through the intervention of Mr. Vigors, and on behalf of the self-styled Liberal Committee of Carlow, he had agreed to receive from Mr. Raphael 2,000*l.*, little short of 700*l.* of which was to be applied to the extinction of a debt incurred at the previous election for Carlow by Mr. Vigors. When he (Mr. Law) stated this, while he still retained his admiration of the talents of the hon. and learned Member for Dublin, he could not help being astonished at his indiscretion. The whole speech of the hon. and learned Gentleman consisted, not of an exculpation of himself from the charges against him, but of an admission of the facts on which those charges were founded. Among other topics, the hon. and learned Gentleman avowed the act to which he had just adverted, and declared that it was legal and defensible. How was it possible that the honourable and learned Gentleman's zeal could blind him to the law on the subject? Not only was such a transaction not legal—it was an infringement of the express terms of the resolution of that House respecting bribery and corruption. It was astonishing, that a lawyer could have been found to stand up in that House, and contend, that any man was justified in stipulating for the payment of a pre-existing debt incurred by the Liberal Committee of Carlow—themselves voters, and concerned in procuring the return of a Member to Parliament—as one of the conditions for obtaining a seat in the House of Commons. But not only was this debt to be discharged, the rent of the voters was also to be paid. It was impossible to deny, that such a transaction was corrupt. It appeared also, that a fund had been created in the county of Carlow for the benefit of persons who had voted in a particular manner at the last election. He (Mr. Law) would decidedly say, that to subscribe to such a fund for such an avowed purpose was corrupt. What was the evidence given by Mr. Vigors on that point. It was this—

> "Had there been distress alleged to arise from the persecution of persons who had voted in a particular manner?—had such a state of things existed in Carlow?—Very considerable distress had existed subsequent to the election of 1832, up to the period to which I now speak.
>
> "Had a fund been created for the relief of those persons, and did you subscribe to that fund?—A very considerable sum had been subscribed to the relief of those men."

Now, really, if parties interested were to be the judges in what way funds raised by themselves ought to be applied to voters, it would be impossible to draw a line; and all statutes and all resolutions of Parliament would be rendered totally useless. If it were competent for a man to say, "I will apply a large sum of money to regulate the votes of these electors in a particular way, by assuring them, that if their rent is in arrear I will pay it; if their cow is distrained, and they are subjected to legal expenses, I will indemnify them, provided they will vote for me, or for the person whom I may nominate,"—then he averred, that a more distinct mode by which corruption might be exercised for effecting the election of a Member of Parliament it was impossible to point out. The defence set up, too, was most extraordinary. It was said, this was not bribery, because it was done by wholesale; because you did not go to A, B, and C, and tell them individually, that if their rent was in arrear, you would pay it; or if they were distrained upon, you would satisfy the distress; but that you were at liberty to hold out to the freeholders of a whole county the general expectation that you would relieve them from all the inconveniences of a pecuniary character which they might incur, or represent themselves to have incurred, by reason of their giving their vote in any particular way. That his hon. and learned Friend, Mr. Sergeant Wilde, with all his experience and discretion, should have resorted to an argument which acknowledged these practices, and should have attempted, in the face of Parliament, to justify them, was to him surpassing strange. It appeared, that in adopting the course the House was now asked to take, by affirming the proposition that this contract was corrupt, and that entering into such a contract was a breach of the privileges of Parliament, no danger would be thereby incurred of inculpating, in the smallest degree, those hon. Members of this House of whom the intermediate tribunal of inquiry was constituted. He had the utmost respect for every individual Member of that Committee; but he should not do his duty if he did not thus publicly declare, that that Committee, while it had in some points gone beyond, had in other points fallen short of, the inquiry assigned to them. On that account, it became still more emphatically the duty of the House to express their opinion on the subject. The Report stated, that the Committee was "appointed to inquire into the circumstances of the traffic and agreement alleged to have taken place between Daniel O'Connell and Alexander Raphael, Esquires, touching the nomination and return of the said Alexander Raphael, as one of the Representatives in Parliament for the county of Carlow, at the last election for that county, and the application of the monies said to have been received, and the circumstances under which the same were received and expended, and to report the minutes of evidence taken before them, with their observations thereon." Now, it did not appear to him from that passage, that it was at all contemplated by the House, that it was intended that the adjudication of the Committee should be final. If, therefore, the House chose to vindicate their privileges, and to express an opinion upon that point, such a course would cast no reflection on the Committee. Indeed, serious consequences might be entailed on the House, with respect to its future proceedings, if the adjudication of the Committee were allowed to be final. He was quite ready to admit the ability, the zeal, the merit of every description, which the Committee manifested in the inquiry, with reference to their view of the task delegated to them. But he denied that that view was a correct one. The hon. and learned Gentleman read copious extracts from the Report of the Committee, to show the positive nature and character of the contract into which Mr. O'Connell had entered to procure the return of Mr. Raphael, and pointing out also how the hon. and learned Gentleman had given a personal guarantee, that the expenses of the election should not exceed a certain specified sum. Upon the strength of this evidence he contended, that although Mr. O'Connell, by the Report of the Committee, stood acquitted from any personal pecuniary corruption, still, looking at the nature of the contract he had made, he had been guilty of a breach of the privileges of the House, for which he remained amenable, and with respect to which it was incumbent on the House to pronounce an opinion. It was one part of this case to ascertain to what extent the active interference of the Roman Catholic clergy in the election of Members of Parliament had proceeded. If the evidence given upon that point before the Intimidation Committee were not sufficient to impress the House with a conviction of the powerful influence which the Roman Catholic clergy exercised in this respect, it would only be necessary for him to refer to a letter written by Mr. Fitzgerald, and published in the Report of Mr. Vigors' evidence. It was dated 23rd November, 1834, and contained the following passage:—"I had a long interview with the Bishop today; he agrees entirely with Wallace; and he has caused a circular to be addressed to the different parish priests, to ascertain how we stand in the county; and in the course of a week I am to summon a meeting (private) of a few of the leading men of the county, with the clergy, to meet at my house, at which meeting Wallace will be present; in the meantime, you should be on the look out for candidates. The Bishop would prefer that you should be the person (this letter was addressed to Mr. Vigors) on behalf of the county; that you should apply to Raphael, rather than allow O'Connell (as the Bishop says) to dispose of the county. * * I am now quite satisfied, that we will have the entire co-operation of the Bishop and the clergy; he was with me two hours this day on the subject, and he is about to make an exertion to reconcile the Tory Papists of the town; he has already prevailed upon Dooling to give up his action against Bolger." An additional and incontestible proof of the active interference of Mr. O'Connell was to be found in a letter written by that Gentleman, on the 26th November, 1834, to Mr. Vigors. After alluding to the approaching contest for the county, Mr. O'Connell says—" You should see Mr. Raphael, and ascertain whether or not he would stand. We could secure him the county at an inconsiderable expense—say, for the very utmost, 3,000*l.* You can tell him, that I will be one of the guarantees of his success if he will thus come forward as the colleague of Mr. Ponsonby. Let me know without delay, whether there be any chance of effectuating this plan." He begged pardon if he had wearied the House by referring to so many portions of the evidence. He would only, in conclusion, state that it did distinctly appear to him, that the freedom of election had been grossly violated in the course pursued by the hon. and learned Member for Dublin—that both he and Mr. Vigors uniformly contemplated the application of the funds to be obtained from Mr. Raphael to illegal purposes—that the mere circumstance of Mr. O'Connell's not having a personal pecuniary interest in the appropriation of the money, did not affect the dry question of whether the privileges of that House had been infringed or not—that it was evident from all that appeared in the evidence, that Mr. Vigors and the hon. and learned Member for Dublin had perseveringly assailed Mr. Raphael, until they had accomplished their common object—that it was true that Mr. O'Connell was not the origin of the communications which took place between Mr. Vigors and the Carlow Club: not that the offence in the sight of the House could be the less because several, instead of one alone, had conspired, by means of an illegal traffic to make Mr. Raphael the Representative of the county of Carlow.

Sir *Charles Broke Vere* said, that, in agreeing to the Report, he felt that the great principle of the decision to which the Committee might come should be as unanimously expressed as possible, and provided no dereliction of principle was the consequence, he felt that it was sufficient that that principle should be laid down even in the mildest terms possible. This was his opinion, because, as the Committee sat in a judicial capacity, he did not wish the public to suppose that any party bias whatever had influenced them in the conclusion at which they had arrived. He fully exonerated the hon. Member for Dublin from any pecuniary imputation, or of any intention to apply the money paid by Mr. Raphael to his own purposes. The Report of the Committee was divided into two parts; the first was contained in this sentence—" The Committee cannot help observing, that the whole tone and tenor of this letter was calculated to excite much suspicion and grave animadversion." The second was—" But they must add, that upon a very careful investigation, it appeared that previous conferences and communications had taken place between Mr. Raphael, Mr. Vigors, and other persons connected with the county of Carlow, and that Mr. O'Connell was acting on this occasion at the expressed desire of Mr. Raphael, and was only the medium between Mr. Raphael and Mr. Vigors, and the Political Club at Carlow." Now, the first part of the Report expressed the opinion of the Committee upon the character of the transaction, and upon the nature of the contract contained in that letter. What followed simply stated that Mr. O'Connell did not appear to be the originator of the proposition. It must be in the recollection of several hon. Members of the Committee that there was a discussion as to the mode of arranging the terms of this first part of the Report. His feeling was, then, that no more moderate expressions could possibly be used, because he thought suspicions must have arisen from the singular mode and manner in which the letter was expressed. The House could not be presumed to be governed by the Report of the Committee, and feeling that, he had joined in the Report that was made. He considered, that although, as a Member of the Committee, he was bound, as far as he could, to agree with the Report, the Members of it were free in that House when the question came before the House again. This was a question which had been treated by many Members as one of no importance; but he considered it as of the first importance to the rights of the people of this country. He used the term "people" advisedly, because it was but lately that they had assembled in that House under new Acts of Parliament, by which the rights of the people were said to be much more safely guarded. How, in such an assembly a question of this description — a question vitally affecting the freedom of election—could be called trifling and unimportant he was totally at a loss to conceive. It was his intention, in the first instance to have voted for the amendment proposed by the noble Lord, but he confessed after what the noble Lord (Lord John Russell) said, and upon reflection since, seeing the manner in which hon. Members had treated the question he did not think he could vote for his amendment. The noble Lord called on the House to vote for the amendment, because, as he stated, there was no subject for inquiry before the House, and that the motion was a trumpery matter. The noble Lord admitted, that the Committee had censured the tone of the letter, but still he said that there was no matter for inquiry for the House. He said that it was a trifling case, but if it was so trifling, why attempt censure at all? He therefore found he could not vote for the amendment of the noble Lord.

Mr. *Bannerman* thought that the hon. and learned Member for Bradford wished, on this second occasion, to place the House in the same situation as that in which it stood on the night in which he first brought forward his motion for inquiry. But the hon. and learned Member had not brought forward one tittle of additional information to induce the House to adopt the course which he now suggested to it. He merely wished to inform the House, and to refresh the memory of some of the Gentlemen who sat on the Committee, as to what took place on the first day that the Committee met. The hon. Member for Bridport (Mr. Warburton) proposed that a specific accusation should be brought against the hon. and learned Member for Dublin; and the hon. and learned Gentleman who acted as one of the nominees (Sir F. Pollock) was asked whether he had any accusation to make. The hon. and learned Gentleman replied in the negative. After that declaration on the part of the hon. and learned Gentleman a long pause took place in the Committee, and the Gentlemen who composed it seemed to be a little puzzled. Now, as the hon. and learned Member for Bradford previous to bringing forward his motion for the appointment of the Committee, moved that the sessional order which related to the interference of Members of that House in any acts of bribery and corruption at elections be read at the Table, he (Mr. Bannerman) took the liberty when the Committee appeared to be at fault to read to them that same sessional order, and to state, that in his opinion the Committee would stultify itself if it went back to the House and asked for instructions, when it was quite clear that the hon. and learned Member for Bradford accused, or stated that there was an accusation against, Mr. O'Connell of a breach of the privileges of the House. After reading the sessional order upon which the subsequent motion seemed to be grounded, it was as clear as the sun at noon day that the hon. and learned Member for Dublin was accused of a breach of privilege. The Committee accordingly went into the inquiry, and afterwards laid its Report on the Table of the House. Now if it had been considered that the hon. and learned Member for Dublin had (as he was accused) been guilty of a breach of privilege, there could be no doubt that the Committee, constituted as it was, would have so reported. Having made this observation, he did not think it necessary to say one word more upon the matter, unless it were this—that what was not made a party matter in the Committee appeared likely to be made a strong party matter in that House.

Sir *John Yarde Buller* did not intend to trespass for more than a very few moments on the patience of the House. It was well known to many of those whom he was addressing, that his opinion of the hon. and learned Member for Dublin was not likely to lead him to screen that Gentleman if he thought he had been guilty of any misconduct towards the House. So strong, indeed, were his feelings with respect to the hon. and learned Gentleman that he almost felt he might have said with the noble Lord (Stanley), the Member for North Lancashire, that he was hardly a fit man to place on a Committee to try any part of that hon. and learned Gentleman's conduct; because, although he had not stated it in that House, he had often stated it elsewhere, that he thought the hon. and learned Gentleman followed a line of policy not less injurious than dangerous to the empire at large. He hoped that he completely dismissed those strong feelings, as well as all party views, when he entered the Committee; and he ventured to say, that if he had not felt satisfied that the Report at which they ultimately arrived, was a fair and just one, he should have had spirit enough not to have concurred in it, and to take the first direct opportunity of stating in the House his dissent from it. It was clear as to any pecuniary corruption after the course of this debate, that it was unnecessary for him to say anything. He entirely acquitted the hon. and learned Gentleman, as the Committee had done, of all taint of a pecuniary nature. The Committee certainly found that there was some cause of censure. It was quite clear, that the hon. and learned Gentleman had most incautiously suffered himself to write a letter to Mr. Raphael, which subjected him to much suspicion and animadversion; how far it might be a breach of the privileges of that House he would not pretend to say, but he entirely concurred in what fell from the noble Lord the Member for South Lancashire, that those terms embraced a wide range, and though he thought his hands were as clean as those of most men in that House, yet, as King's evidence might be found on almost every possible transaction of a man's political life, he was not quite sure, that he might not himself come within the grasp of a resolution of that House, if the power assumed under the name of Parliamentary privilege were rigidly enforced. When he (Sir J. Y. Buller) concurred in the Report of the Committee (and he did most cordially concur in it), he felt convinced that there was nothing in the evidence brought before them that could induce the Committee to recommend that House to take any further proceedings in this matter. He was still of that opinion. He had not heard anything in the course of the debate which would lead him to recommend to the House to proceed further, whether by punishing the hon. and learned Member by those means which the House had in its own power to exercise, or by authorizing the Attorney-General to prosecute for the penalties. It was his intention not to vote upon the question before the House, because, as one of the Committee, he felt that he in some degree stood before the House as an accused party. For the question really was, whether the Committee had discharged to the utmost that duty which had been imposed upon them. If, for one, he had not done so, he could at least assure the House that he had endeavoured to do it to the utmost of his power; and he would further state, that he never had regretted signing the Report now before the House; nor did he think that any one could impute to the Committee, whose Report it was, any conduct but what was most just and honourable.

Sir *Eardley Wilmot* also felt, as one of the Committee, that he was on this occasion in some degree upon his trial. It was well known that, before entering upon the inquiry, he had said, that his feelings upon the subject were hostile to Mr. O'Connell, because, from what he had learned upon the subject, he felt that that hon. and learned Gentleman would get out of this business with very great difficulty. But, at the same time, he said, that he never would refuse to discharge any public duty, and therefore he went into the Committee; and he did so, he trusted, divested of all feelings upon the subject, except an anxiety to do his duty conscientiously as a Judge, and give his opinion according to the evidence brought before him. In the course of the evidence adduced, he soon came to the conclusion, that no Parliamentary or legal accusation could be supported against Mr. O'Connell. But if he had been a member of a Court of Honour on that occasion, and the question had been put to him, whether he thought the hon. and learned Gentleman, in the course of the transaction with Mr. Raphael, had infringed upon those considerations which, as a Member of that House, and as a real and true reformer and lover of the Constitution, he ought not to have done, he (Sir E. Wilmot) undoubtedly should have come to a very different conclusion. But he conceived that the Committee were acting as judges to consider only whether any Parliamentary or legal offence had been committed, and, as such, he had conscientiously come to a conclusion, which, so far from having been shaken by the speeches he had heard from the Opposition side of the House, had, in a great measure, been confirmed by them. He perfectly agreed in what had fallen from the hon. Member opposite (Mr. Bannerman). That hon. Gentleman called the attention of the Committee to the Statute of the 49th of George 3rd. It would be remembered by the House, that that Statute was read by the hon. and learned Member for Bradford when this matter was first brought forward. That Statute was considered by the Committee, and he said then, as he would say now, that there was no lawyer who, divesting himself of all personal and political feelings, would not come to the same conclusion as the Committee.

Mr. *Harvey* said, the House was called upon, by the hon. and learned Member for Bradford, to pronounce a sentence which was highly penal in its consequences. It was much to be deplored, that the speeches of the two learned Gentlemen who had addressed the House that night (Sir F. Pollock and Mr. Law) should not have been delivered in the presence of that great body of persons who were called upon to decide as Jurors. It was somewhat unusual, not a little inconvenient, and he thought highly unjust, that after a case had been heard, in which several parties had pleaded, that more than one-half of the Jury should crowd into the box and say—"Though we have heard nothing of the case, here we are to pronounce a verdict." The House would recollect, that when this subject was first brought under its notice, all parties concurred in deprecating the entire inadequacy of this great tribunal to adjudicate on it, and this was the greatest difficulty that presented itself amidst the conflicting feelings which pervaded that House—a House, more than any other, divided, and strongly, upon political subjects, and still more so upon the character and station of the individual whose conduct was under consideration. It was admitted by all, that, if it were practicable, nothing would be so desirable as to select twelve Gentlemen, who should be able to divest their minds so completely of all party bias, personal prejudices, and partialities, as to be competent to arrive at a conclusion upon the evidence to be submitted to them, which, when embodied in a Report, should have the sanction of their reputation, and thus secure the approbation of Parliament and of the country. Now, in what shape did this motion come? It was a two-fold issue. First of all it impeached the verdict of that Jury, and indirectly censured a body of men whom it would be impossible to surpass for high honour, clear intelligence, and strict impartiality in the judgment which they had arrived at. But, as it regarded the hon. and learned individual whose conduct was under consideration, what was the shape of the present motion? It came before the House like an application to a Court for a new trial; but the hon. and learned Member for Bradford did not propose that there should be a new trial; or that the same Jury should be called upon to reconsider the circumstances under which they delivered their verdict, but he called upon the Court itself to assume the functions of Jurors. The conduct which the late Attorney-General (Sir F. Pollock) had pursued on this occasion, was difficult to be reconciled with his professions of impartiality. Whatever impartiality he might have observed in his character of prosecutor before the Committee had been very much challenged in the course of this debate; because he had complained that the question of the Baronetcy had not been examined into or reported upon, which he must have known was entirely owing either to defective judgment or defective management on his own part. It was not for the hon. and learned Sergeant (Wilde) to frame an indictment against his own client; and yet the late Attorney-General had made it a matter of charge, that when Mr. O'Connell was placed in the witness's chair, the learned Sergeant did not examine him as to that question. Why did not the late Attorney-General do so, instead of reserving his animadversions to a time when they could neither be challenged nor answered? He could not but admire the extreme delicacy of hon. Gentlemen opposite. It was not in their minds, they said, to aver, that Mr. O'Connell had violated an Act of Parliament; but, from their extreme anxiety to maintain the purity of the Constitution, they were ready to affirm an abstract proposition. What would be the result of that affirmation? What were the terms of the sessional order which the hon. and learned Gentleman (Mr. Hardy) had read? "That if it shall appear that any person hath been elected or returned a Member of this House, or endeavoured so to be, by bribery or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices." If, then, the House should affirm the proposition of the hon. and learned Member for Bradford, that Mr. O'Connell had violated that sessional order, was he not, as a necessary consequence, to be treated with the utmost severity? He could not, therefore, reconcile the extreme tenderness professed by the hon. Gentleman opposite towards the feelings of Mr. O'Connell, while on the one hand they declared that it was not their wish to inflict upon him legal proceedings by which he would incur the penalty of 1,000*l.* and yet on the other they were ready to affirm a resolution, the consequence of which would be to inflict the severest penalties upon him. He had always been of opinion that a legislative assembly ought not to have anything to do with legal, petty, *nisi prius* technicalities, which were generally used as a sort of experiment upon the mental capacity of mankind. Now, looking at the letter written by Mr. O'Connell to Mr. Raphael, which had formed the subject of so much animadversion, and looking also at the letter addressed by Mr. O'Connell to Mr. Vigors, it certainly appeared to him, that if Mr. Raphael had been returned for the county of Carlow without any opposition, there would have been a portion of the 2,000*l.* in some way to have been disposed of; and it also appeared to him that that portion was to be carried to the credit of the friends of the Liberal Carlow Club. Now it was contended, by the hon. and learned Member opposite, that a club, formed for such purposes as the Carlow Club was, and having a fund to be so applied, was in itself highly unconstitutional and illegal; and he (Mr. Harvey) understood the late Attorney-General to say, that Mr. O'Connell's letter to Mr. Raphael was itself a corrupt compact. If so, why did they have a Committee? The House might as well have come to a conclusion upon that letter, and not have been troubled with going into any evidence at all. In some respects, he thought Mr. O'Connell had to regret the restricted terms of the resolutions proposed by the noble Lord. If, on the one hand, some hon. Gentlemen thought theCommittee had gone too far in their leniency towards Mr. O'Connell, he, on the other hand, was inclined to think that they had been too sparing in their terms of exculpation; and that they ought to have gone further, and have pronounced a more decided verdict of acquittal than they had done. Because he thought it impossible to read the resolution of the Committee and not perceive in it a very subtle arrangement, he would not say of party, but of conflicting feeling, and that it was an expert experiment to reconcile men of different sentiments to an unanimous result. But, so far from being ready to impute corrupt practices to Mr. O'Connell, he thought he saw, in the very conduct ascribed to him by that resolution, something which entitled him to the praise of his country. Because, what was the political situation of the county of Carlow? They had it in evidence that the gentlemen of Liberal principles connected with that county, having exhausted their means, and being no longer able to compete with those larger fortunes that were available to the Conservative interest, had formed themselves into a club, and sought the assistance of Mr. O'Connell, which they had a right to do, in order to counteract that pernicious and destructive influence upon the country at large which the Tory confederacy so notoriously exercised. He would put a case by way of illustration. The House would remember the Queenborough case. A petition was presented to the House, complaining that the proprietor of that borough exercised such acts of oppression upon the burgesses there, that though they were ready to vote for Mr. Capel, yet they were unable to do so in consequence of the stern exercise of authority over them as his tenants. There was a subscription made, to which many Members of that House contributed, for the purpose of protecting the electors of Queenborough from the destructive effects of that overbearing power. Then take the case of Hertford. Was it not a notorious fact—did it not come out before a Committee of that House, that in order to bring the electors of that town under the dominion of a neighbouring oligarch, a scheme of leasing was devised, by which leases of fourteen days' duration were granted with a penalty of 50*l.* if the tenants did not resign possession of the property within fourteen days' notice? There could be no question that this was a contrivance altogether of a political cast, and for the express purpose of bringing the electors of that town under the dominion of a neighbouring Peer, from which it was impossible for them to relieve themselves, unless some constitutional assistance were extended and thrown over them. Now he would ask whether there was any man who would say, if there were a Hertford O'Connell—if there were a Carlow Club in Hertford, to which candidates for representing that borough were invited to subscribe, in order to afford protection to those tenants against this oppression—that that would be an illegal and unconstitutional act? Hon. Members on the opposite side of the House had admitted that Mr. O'Connell had not violated the 49th George 3d, if not, of what was he guilty? The Recorder of London had stated at length the penal enactments of that Act, but he had not read its qualifying provisions. There was an express provision to the effect that nothing in that Act should extend to or affect any person for money paid for legal expenses. Well, what said the Committee? They stated that the money which came to Mr. O'Connell's hands had been expended under the immediate direction of Mr. Vigors and others connected with the county of Carlow on what might be called legal expenses, or so far unavoidable that the Committee saw no reason to question their legality. It was utterly impossible for the House to affirm the two propositions submitted to them by the hon. and learned Member for Bradford. In what did the violation of the Act of 49th of George 3rd consist? Was it in the bare writing of the letter, or in the expenditure of the money? If in the expenditure of the money, then, the House was called upon to discredit the Report of its own Committee. As far as Mr. O'Connell was concerned, it must be a matter of indifference to him what was the decision of the House on this matter, because no opinion at which they might arrive, where half the Members were on one side of the question and half on the other, could carry with it half so much weight as that of the unanimous opinion of a Committee composed of those Gentlemen to whom he had already alluded. Would the House, then, adopt a resolution which impeached the decision of that Committee? In short, were they disposed to establish a despotism by deciding in a case from which all evidence was excluded, and in which they were invited to arrive at a conclusion unfavourable to the party accused without recognising even the decent forms of justice? In such a course he felt assured the House would not concur.

Mr. *Williams Wynn* had heard with surprise that the Committee was on its trial, and that the House was precluded from exercising its judgment on the evidence that Committee had brought up. He was surprised to hear the assertion that it had been intended to commit the whole case to that Committee as to a jury, whose opinion was to be conclusive, and who were to apply the law of the case to the facts and pronounce authoritatively thereupon. He most distinctly denied that the House was precluded, by the terms of the appointment of that Committee, from examining into the facts adduced in evidence before it; and nothing was more common than that the House should disagree with the Report of their Committees, even where they were unanimous, and appointed for the purpose of arriving at a final determination. But this Committee was not so appointed, and on this point he would appeal to the noble Lord opposite, who would doubtless recollect that he (Mr. Wynn) proposed that the Committee should be appointed to take the evidence only, for, as the House would have ultimately to decide, nothing could be so unsatisfactory as to be only half-furnished with materials in the shape of the opinions of the Committee. He (Mr. Williams Wynn) then stated to the noble Lord, that if they were to be guided by precedents they had only two courses to follow—either to examine witnesses at the bar of the House or in a Committee of privileges; but he thought that both these forms (from what he had seen of late years) would prove inconvenient, and that it would be better to appoint a Committee to inquire into all the circumstances and take the evidence, whereon the House might subsequently decide according to the nature of the case. He, therefore, felt himself at full liberty to exercise his judgment on this Report of the Committee, and would state it to the House with all humility. The Committee had, in short, been appointed to inquire into the facts of the alleged agreement — whether the money had been received, and how it had been expended—but not to consider or Report on the point of the violation of the privileges of the House. Without going into the Report at length, he should merely say that he concurred in all the material facts stated by them—that there were no grounds for attaching to the hon. and learned Member for Dublin the imputation of any pecuniary charge whatever, and that he was acting as the medium between the Liberal Club of Carlow (represented by Mr. Vigors) and Mr. Raphael—at the express desire of the latter. He was in fact an agent (for the word "medium" was of very doubtful signification) between the Liberal Club on the one hand and Mr. Raphael on the other. But when the nature of this agency was looked at a little closer, it appeared that it was of a very singular aspect. It appeared that he had given a voluntary assurance to Mr. Raphael on the one hand that he would save him harmless, beyond the stipulated expenditure; and to the Liberal Club that if one was returned Mr. Raphael should be the Member. This species of active agency indicated that he was something more than a "medium," that he was a principal in the transaction. The most important part of the question seemed to him to arise out of that part of the agreement that Mr. Raphael should not pay more than his legal expenses, and the House ought to determine one way or other in respect to the considerations involved in that understanding. He thought that the Oxford case, alluded to by the hon. and learned Member for Huntingdon (Sir F. Pollock), was very much in point, and precisely similar to the Carlow one touching this portion of the transaction. It would scarcely, he thought, be contended that Mr. Raphael was legally under any engagement to pay the debts of the unseated Member—or that it was a fair legal arrangement to appropriate any portion of his contingent 1,000*l.* to pay the expenses of the defence against the previous petition. That was precisely the point of the Oxford case, and it was clear that to call on any Member to pay a certain sum on his nomination must be considered a violation of the rules of the House. If the House wished to prevent such practices in future they must now record their decision, that the present was a violation of their rules. He did not feel, that they were called on to deliver an opinion on the state of the law of the case, and the bearing of the Act of the 49th Geo. 3rd. The Speaker's predecessor, Lord Colchester, had simply insisted, on an occasion where it was necessary to express the sense of the House on such an occurrence, that the declaration should promulgate the illegality of the acts in question, and that the decision of the House should be founded on and recognize the violation of the principles of law, and thereby add an additional efficacy to the force of the law already established. In conclusion, it appeared to him that if the House recognized and adopted the principle contained in the resolution before them they should, in consistency, follow it up by another to this effect—that if any candidate should pay, or engage to pay, any sum of money for his election beyond his legal expenses he would be committing a gross breach of the privileges of that House, and would likewise subject himself to the further punishment provided by the statutes expressly framed in reference to such a breach of the law of election.

Mr. *Grote* said, it was a very remarkable circumstance that every Gentleman who had spoken on the opposite side of the House in favour of the motion of the hon. and learned Member for Bradford had, while he expressed himself favourable to the original motion, stated his determination to vote for the previous question. It appeared to him that every charge which had been excluded from the consideration of the Committee, was equally excluded from the consideration of the House. It was somewhat remarkable that hon. Gentlemen opposite, who were now so anxious to preserve the purity of election, had taken a very different course last year, when the York and Great Yarmouth cases were under discussion. The House contented itself on that occasion with pronouncing a slight censure on the parties implicated. But, if the hon. Members on that (the Ministerial) side of the House, after this decision had been arrived at, had insisted on dragging those men up again for the purpose of reconsidering the determination under which they had been acquitted, would it not have been denounced as an act of the grossest partiality, which could only have emanated from a low spiteful feeling of political hostility. Hon. Gentlemen opposite had argued at some length, that it was competent to the House to revise the decision of the Committee. He fully admitted that they had the power, but the question was, whether it was seemly, whether it was convenient, or whether it would conduce to the ends of justice, to exercise it in the present case. He would contend that, even if the majority of the House were, as he did not suppose they would, to sanction the resolutions of the hon. and learned Member for Bradford, that majority would be much more likely to be accused of having manifested political hostility than Mr. O'Connell would be to be supposed guilty of the offences imputed to him. No Member of the Committee had been found to rise and move before that Committee, that Mr. O'Connell had been guilty of an infringement of the privileges of the House; and say what hon. Gentlemen opposite would, if the House were now to declare that he was guilty of an infringement of its privileges, its decision would, beyond all doubt, go to convict the Committee of the grossest incapacity. With respect to the disbursement of money to the distressed tenants, he would only express his opinion, that if there were any corruption in the case, it was on the part of the landlords, who had reduced the tenants to a distressed condition; and he could not but think that such an application of money was rather praiseworthy than otherwise. He called upon hon. Gentlemen opposite to consider well the votes they would give on the question before them; for they might depend upon it, that if the decision of that House were against Mr. O'Connell, the public would look upon him as a man who, after being acquitted by an honest and impartial tribunal, whose decision would have been held sufficient in any other case, was convicted by that House upon political feelings and political hostility.

Sir *James Graham* said, that as the subject was nearly exhausted, and the House weary, he could assure it he was not disposed to trespass upon its attention; but on this particular question he was most anxious to state to the House the feelings that actuated him, the opinions he had formed, and the reasons for the vote which he was about to give. There was something peculiar in the appeal of the hon. Member for the City of London to the Members of that House, which rendered it desirable that he should not give a silent vote on that occasion. The hon. Member had stated, that almost every hon. Member who had spoken on the opposition side of the House, in favour of the motion of the hon. Member for Bradford, had expressed his approval of the original motion, but stated, nevertheless, his intention to vote for the amendment. He had had no communication whatever with his hon. and learned Friend, the Member for Bradford as to the nature of his motion, nor had he made any suggestions as to the terms of it; for his own part he was anxious that the previous question should be adopted. He would not conceal from the House, that when the question was first brought forward, he was of opinion, not as the hon. Member for Southwark had supposed, that he had stated, that the transaction bore on the face of it conclusive evidence of corruption, but that *primâ facie*, it bore strong presumptive evidence that the hon. and learned Member for Dublin had, for his own profit and interest, taken an active part in this transaction. That was the *gravamen* of the charge, and that was the main point to which he had directed his attention. He had carefully read over the whole of the evidence, and he was now bound candidly and fairly to state, that the result of the best consideration that he could give to it was, in the first place, that the hon. and learned Member was, throughout the whole transaction, acting as agent and not as principal; secondly, that the agency was not of his own seeking, nor did he desire it, but rather that it had been forced on him; and, thirdly, that in no part of the transaction did he either contemplate personal benefit to himself, nor could he, from the nature of the transaction, if he had desired it, derive any benefit from it. Therefore, in the broadest and fullest sense, he was bound to give a full and entire acquittal to the hon. and learned Member, in the pecuniary transaction with Mr. Raphael. The motion of his hon. and learned Friend, the Member for Bradford, rested on the construction of the 49th Gerge 3rd. He was bound to say, that that Act was of perplexed construction, and of doubtful authority, and he was not aware, that it had ever been acted upon in any court. Moreover, he doubted whether Mr. O'Connell, acting as he did as an agent, could be liable to any of the penalties of that Act. In addition to this, he felt bound to say, as a man of honour, that in some proceedings in which he might have been engaged, he did not know whether he himself might not have been liable to its penalties; but he did not know enough of the law to take upon himself the responsibility of deciding, that, according to the 49th George 3rd, a gross offence had been committed. He, therefore, was not prepared to support that part of his hon. and learned Friend's resolutions. There was another resolution, however, which declared, that the proceedings were a gross breach of the privileges of the House. He should be sorry to express his opinion thus strongly on a retrospective view of this part of the case. If they adopted that resolution it would be impossible for them to stop there; they must resort to something further. With respect then to the main charge of personal corruption, the hon. and learned Member for Dublin had been put on his trial by the House; the Jury to whom the case had been confided, which was worthy of, and possessed the confidence of all, had fully acquitted him of any charge or taint of the kind, and he was entitled to the full benefit of that acquittal. On these reasons he was not inclined to support the retrospective part of the motion of the hon. and learned Member for Bradford. He might then be asked why did he intend to vote for the motion of the hon. and learned Member for Bradford? He had been anxious to vote for the previous question, as it was a mode well known to Parliament — a mode by which the House said it was not desirous of coming to a distinct vote on any question submitted to it. But the noble Lord, the head of the Government in that House, was not satisfied with this. His noble Friend called upon the House to give a specific judgment—he would not let the matter rest on the Report of the Committee, but he would call upon the House to agree and confirm certain Resolutions which were founded on the substance of the Report. When, therefore, he was called upon to give a specific judgment on the case, he was bound to do so. He was willing to give Mr. O'Connell the full benefit of the acquittal, but, at the same time, being anxious to uphold the freedom of election, and the purity of Parliament, he was bound, before he gave a definite decision in the case, to look to all the circumstances of it. He had no quarrel with the Committee, because they kept within the terms of their instructions, and had confined themselves to the investigation of the transactions between Mr. O'Connell and Mr. Raphael. The words of the instructions were, "appointed to inquire into the circumstances of the traffic and agreement alleged to have taken place between Daniel O'Connell and Alexander Raphael, Esquires, touching the nomination and election of the said Alexander Raphael, as one of the Representatives in Parliament for the county of Carlow, at the last election for that county, and the applications of the monies said to have been received, and the circumstances under which the same were received and expended." So far from quarrelling with what the Committee had done, he had no hesitation in saying, that he read the instructions for their proceeding in the sense in which he believed they had read them. They acquitted Mr. O'Connell of any pecuniary corruption, and they found that the money had been expended on objects, the legality of which they saw no reason to question. The evidence taken before the Committee abounded with proof which bore out the statement made by a noble Friend of his, that if the money had not been expended in an unexpected manner, if it had not been required for the purpose of defraying a portion of the expenses attending the election petition, a decided breach of privilege and a gross infraction of the law of Parliament would have been committed. The hon. Member for London had made some observations on this point, which he heard with surprise. He entertained the highest respect for that hon. Gentleman, and was surprised to hear language from him which seemed to imply, that because the money happened to have been expended legally, there was nothing now to consider. He was also surprised at the language of the hon. and learned Member for Newark, and, above all, at that of his noble Friend, the Secretary for the Home Department, both of whom characterised this question as of too trumpery a nature to engage the deliberations of the House. If the money had been spent as contemplated when the bargain was made, when the expenditure was not to be more at the election than Mr. Vigors believed necessary, would that contemplated payment have been legal or not, within the rules of the privileges of Parliament? The learned Sergeant said the transaction must have been pure, in consequence of the publicity of it, for if it had not been it would have been instantly exposed; but his answer was, that the transaction was to have been of a most private nature, and he would ask whether anything in the whole case was so wonderful as the exposure of it. It was a gross breach of confidence which brought to light a transaction which was never intended to be made public. The learned Sergeant, as well as the hon. Member for London, asked where was the corruption in this case? He (Sir James Graham) replied, in the sale of the representation of an Irish county. This had been clearly and unanswerably proved in all parts of the evidence. In point of fact, the county of Carlow had been hawked about as a damaged article. Mr. Vigors, in the first instance, said that no person would give 1,000*l.* for the representation of it. Mr. Latouche was in the first place applied to, but he would not have anything to do with it, Mr. Wallace, who was then called upon, would not look at it.

It was then sent over to England for sale, and put up at something like a Dutch auction, for Mr. Raphael was, in the first instance, offered this seat in Parliament for 3,000*l.*, which he refused, as being too much; and after some delay, a fresh treaty was opened for the sale of it to him for 2,000*l.*, and after much huckstering and bartering, it was sold for the latter sum. Was then the gentleman thus sought out and cajoled an amiable and respectable man, who from his riches and character was entitled to respect, or had his public conduct won for him the esteem of this part of the empire? No such thing; for according to the testimony of Mr. O'Connell, this Parliamentary seat was sold to a person, who at the very time had been described to the hon. and learned Gentleman as a most faithless creature; and he had also stated, that the person he had so warmly recommended was the most incomprehensible of all imaginable vagabonds. He would, again, remind his noble Friend, that he would have agreed to the previous question had it been proposed; but, after the course that had been adopted, he felt bound to support the motion of his hon. and learned Friend. As for the mode in which the question had been brought forward, he begged to remind hon. Gentlemen opposite, that the hon. Member for Bradford was a perfectly independent Member, and not in any way connected with him or those who acted with him. If his hon. and learned Friend, the Member for Bradford, had done him the honour to consult with him as to whether it was expedient or not to bring forward the question again, under all the circumstances of the case, he would have said decidedly not. The hon. Gentleman, however, had a right, if he thought proper, to bring the subject forward; but when he had done so, he (Sir James Graham) was not bound to give his opinion, and he should have recommended that the House should adopt a mode by which Parliament could give the go-by to the question. The noble Lord, however, said, that the House should not do this, and called upon the House to adopt a decided expression of opinion on the proceedings in this case; and, therefore, if he was thus driven to give his judgment, he must do so on the whole transaction. If he was right in this view of the case, he was not entitled to blink that part of the question connected with the Carlow Liberal Club. The hon. Member for St. Alban's stated, that Mr. Vigors had shown that the money to be given was to be expended on perfectly legitimate purposes. But, if the House would listen to two or three of the answers to questions put to Mr. Vigors, it would be perfectly clear that Mr. Vigors was, out of this money, to have credit from the Carlow Club for his expenses attending the previous election petition. It appeared that Mr. Raphael was bound to pay 2,000*l.*, and Mr. Vigors, out of that 2,000*l.*, was to be reimbursed his expenses. The first proof of this was, that Mr. Vigors stated, that he was in advance to the Club 700*l.* He was asked—

> "Who were liable for the expenses of that petition of May, 1835?—I considered myself responsible to Mr. Baker for those expenses. Is there any doubt about that?—Not the smallest doubt; I stated to him that I would be responsible for them. Was anybody responsible to you?—I considered that the county was responsible to me. I advanced the money on the faith that the county would repay me, but with very little hopes of it. I was perfectly aware, in the first place, that they were not able to do it; and, secondly, if they were, that I should not press them."

This he considered as a very important question. He was sure, that the hon. Member for St. Alban's would admit that Mr. Vigors had advanced money on behalf of the Carlow Club, and in hopes of repayment, it appeared also, that he sought it, and from whence? Why from the 2,000*l.* advanced by Mr. Raphael. The House would bear in mind, that Mr. Vigors complained of the expenses of the election, in consequence of the high-flown notions that had got abroad respecting Mr. Raphael's generosity. Mr. Vigors said, that he had no doubt that the election might be managed so that the expenses would not exceed 400*l.*; with extravagant management they would be more; but, even when the payments were most liberal, they would not exceed 600*l.*; and when, as in the case of Mr. Raphael's election, the demands were double what they otherwise would have been, and the expenditure was lavish, the expenses did not exceed 800*l.* Now, how was the surplus of 1,200*l.* intended to be appropriated? Mr. Vigors furnished some information on this point. He was asked—

> "Was it the distinct understanding that out of the first 1,000*l.* paid by Mr. Raphael, the election expenses were first to be paid; and, if there was any balance, it was to go to the

petition that unseated Messrs. Bruen and Kavanagh in May?—Yes. That the second 1,000*l.*, if not wanted for the petition that followed, was to go to the fund of the Carlow Liberal Club?—Exactly. I would observe, that the words, 'if not wanted for the petition,' should be omitted, for it was to go under any circumstances, in the case of his being returned, to that fund."

This was a part of the case in which it appeared that Mr. O'Connell had exceeded his instructions. Mr. Vigors stated, that he told him that the sum in question was to defray the expenses of the nomination and the return, but not for the petition. Mr. O'Connell, however, stipulated with Mr. Raphael that the 2,000*l.* should also include the expenses of the petition. On this point, there was some curious evidence of Mr. Fitzgerald. He was asked—

> "Ultimately you are aware, that there being a petition, the 1,000*l*, instead of being applied to the purposes of the county, was applied, or supposed to be, to the expenses of the petition? —Yes. And contrary to the advice of the members of the Committee then in London, Mr. Vigors allowed it to be so disposed of."

Mr. Vigors might have acted as an agent in the proceedings of this county club, but he was by no means so well satisfied of that as he was that Mr. O'Connell was to be regarded in that capacity. It appeared also that not only the Committee disapproved of this money being so expended, but also Mr. Vigors. They were told then that the surplus was to be applied to one of two purposes; either for the payment of the general purposes of the elections in that county, at the option of the Carlow Liberal Committee, or to any political or other purpose. Here was a bargain and contract for money for votes and influence, and it was a corrupt bargain. The surplus, also, was stated to be intended for the protection of the Carlow freeholders. He could not help regarding this as a most monstrous proposition to be publicly and undisguisedly stated. It was a proposition which he should never have expected would have been brought forward in a Reformed Parliament, ostensibly jealous of the freedom of election. The learned Sergeant and the hon. Member for the City of London both said, that it was quite right on the part of the Carlow Club to say to these men, "We will take care, if you vote as we wish, that you shall not be hurt." This was the old language that was formerly used to corrupt the boroughs in schedules A and B. of the Reform Act. It was the old slang language that was used and well understood in the rotten boroughs before the Reform Bill. The corruptionists used then to say to individual voters, vote for us, and we will protect you from any injury to which you may be exposed. The mode of procedure, however, was much better managed now by a Liberal Club, when a plan was laid down, by which electors could be bought and transferred wholesale. He appealed to his right hon. Friend, the President of the Board of Control, as to the mode in which a plan of this kind would operate in a large constituency like that of Westminster. Supposing that a canvass was going on in that city among the small shopkeepers for a Conservative candidate. Some gentlemen connected with that party might go into the shop of a small trader, and ask him to vote, the latter might reply, that the cause they called upon him to support was not popular; and although he had no objection to do so, he could not afford it, as many of his customers, in consequence, might cease to deal with him. Now, supposing that these gentlemen formed themselves into a club, say the Carlton Club, and were in the possession of large funds. He put it to the House whether he had not argued the question fairly, and to prevent the appearance of anything like invidiousness, he had supposed a case affecting his own side of the House. The small shopkeeper might say, that he was afraid to support the Conservative cause; but the members of the club might use this language, which, according to the doctrine of the learned Sergeant, would only be protecting the purity of election, "We have large funds at our disposal, and we will take care that you shall not be ruined by your vote. We are powerful and rich; you have no cause for apprehension, and we will take care of you after the election." Would not this be an intelligible bargain, and it was nothing more nor less than opening a pay list for voters. He might go to a thousand other cases of the same kind, which would equally bear out his argument. To take another instance — supposing manufacturers discharged their workmen, and protection was given in this way, it might lead to the sale and the corruption of whole bodies of men. If the House of Commons allowed these proceedings to be passed over, the general adoption of this pernicious example was inevitable. He was prepared to vote for the previous question, but entertaining the feelings and opinions which he did, he should have been guilty of a base dereliction of his duty, if he had not openly expressed them. The hon. Member for London had said, that the constituency should vote *sine spe, sine periculo, et sine timore.* This system might do for Utopia, but it would never answer in a wealthy country like this, where there was such a demand for seats in Parliament, and where he feared it might be said, "*Omnia Romæ venalia sunt.*" The learned Sergeant, however, stated that he thought that there might be a remedy for this. He stated, that if he could make up his mind for the ballot, he would have it in such cases. [*Cheers.*] Hon. Gentlemen opposite cheered, but he would ask, did they intend to adopt the language of the learned Sergeant? Were they prepared to say that they would give a conditional vote for the ballot? The learned Sergeant said, that he would vote for the ballot, if funds were not forthcoming in such cases sufficient to protect the voters. The learned Sergeant was willing to vote for the ballot, if they had not funds to protect the Liberal voters: that is to say, he would vote for the ballot, if he had not means of affording an ample supply of funds for the support of Liberal candidates, and for the corruption of needy voters. This, then, was the condition on which depended the learned Sergeant's supporting vote by ballot. He would, however, rather have the ballot than such an arrangement. The first question had reference to the personal character of Mr. O'Connell, and rather than put the hon. and learned Member on his trial a second time, he would abstain from voting. To leave that subject, however, and come to that which was immediately before the Committee, the first part of the charge was of a personal nature affecting Mr. O'Connell, of which he had said, the Committee had acquitted the hon. and learned Member. But then there was another question. The Committee, no doubt, had dealt with the general question, but he could not help feeling, that they had, on this part of the subject, stopped short in their inquiry, for they did not attempt to deal with the question as to what had been intended to be the appropriation of the contingent surplus. The learned Sergeant who spoke last night, and who, he hoped, was present, said, that he did not forget, in acting as a nominee, that he was pleading the cause of truth. He prided himself on his great fairness when he said this, and observed, that the Legislature ought not to forget that the paramount consideration for them was the investigation of the truth. The learned Sergeant stated, that the main object he had in view was to seek out and expose the whole transaction. But had not the learned Sergeant acted with a little *Nisi Prius* dexterity. He put, he said, Mr. O'Connell into the box to be examined; but he added, that it was for the purpose of laying a trap which he might see whether any hon. Gentleman would fall into, by putting questions to Mr. O'Connell. This, then, was the fair mode of seeking out the truth pursued by the learned Sergeant. The trap related wholly, he understood, to the offer of a Baronetcy, and certainly the hon. and learned Member for Dublin was entitled to demand that the Government should make a full and complete statement on the subject. From what took place last night, the hon. and learned Member for Dublin had a right to complain of the conduct of his Majesty's Government. According to what the noble Lord (Lord John Russell) said last night, he thought that the House was justified in supposing that the hon. and learned Gentleman had applied to Government for a Baronetcy, and had been refused, in which case he offered to Mr. Raphael that which he knew he could not give. At any rate, he considered that the hon. and learned Gentleman was entitled to demand from his Majesty's Government a full and frank explanation of the case. His noble Friend said, that the hon. and learned Gentleman, either from vanity or levity, had made a solemn promise of a Baronetcy, to influence Mr. Raphael's decision at a critical moment. Surely this was a grave imputation on the fair dealing of the hon. and learned Member. The hon. Member for the City of London had alluded to the proceedings that took place for Breach of Privilege at the end of last Session. He regretted the steps then taken, because he thought that the House appeared to wish to send gentlemen of the greatest respectability to Newgate in great numbers, and with unnecessary harshness; and, above all, he objected to the course taken in sending a most respectable solicitor down to Norwich to attend the Assizes, in the custody of a common jailor. He was not prepared, in this case, to ask for anything that would have the necessary effect of leading to the infliction of punishment; but he thought the House should agree to a prospective resolution, which might operate as a warning, and a future example to others. He would only add, if the House had a regard for its character, it should not continue to punish little retail offenders in bribery, while it let those escape who were wholesale dealers in corruption.

The *Chancellor of the Exchequer* observed, that the last sentence of the right hon. Baronet bore a singular contrast to the course which he had suggested at the earlier part of his speech. If, as the right hon. Baronet had stated, this was a wholesale case of bribery and corruption, if it were a mass of iniquity, how could the right hon. Baronet reconcile that with his declared determination to give the inquiry the go-by by means of the previous question. This fallacy pervaded the whole of the speech of his right hon. Friend, and it broke out to such a portentous extent, as to take away the whole force which his argument might otherwise have. His right hon. Friend said, that he would be disposed to pass to the previous question if his noble Friend had not proposed an amendment; but what would have been the practical inference from adopting that course? Why, that the House of Commons wished to get rid of a subject as unimportant, which they had referred to the judgment of a Select Committee, which had reported on it, and which the right hon. Baronet represented as a case of great importance. Would not such a course be a censure on the body to whom the House had delegated the inquiry? Would it not compromise the honour, the integrity, and the principle, of the House itself? This, they were called upon to do, to suit the convenience of Gentlemen opposite—they were called upon to withhold their opinion on a subject which had been already inquired into and decided upon by a Committee of the House, composed of men whose integrity, intelligence, and honour, did not for a moment admit of the slightest doubt. The resolution of the Member for Bradford certainly reflected on the decision of that Committee. To show that they were so considered, he would refer to that able speech, the best yet pronounced on this subject, the most convincing—the address of the hon. Baronet who spoke from the second bench, the Member for Devonshire, who was himself a Member of the Committee. That hon. Gentleman said, "We are on our trial. His hon. Friend, the Member for Warwickshire, also said, "I consider that we are on our trial." His hon. Friend opposite, the Member for Suffolk, although differing from him in other arguments, said, "I look on myself as so much a party in this case, that I shall abstain from voting on the occasion." This was the opinion of those Gentlemen; but if it had not been their's, would it not have been the opinion of the people of England. And were the House to shrink from the discharge of the duty, they would expose themselves to the imputation of cowardice, the Committee to the charge of partiality, and the whole proceeding would be generally looked upon as a mockery and a farce. What was it the House was called upon by his noble Friend (Lord John Russell) to affirm? Any new proposition, or to go a step beyond the recommendation or opinion of the Committee founded upon the evidence? Was any attempt made to entrap the House into a vote on any proposition or opinion other than that, having delegated to a Committee, chosen impartially from the whole body of the House, the delicate and responsible task of examining into, and giving a judgment upon the facts of this case, the House should affirm the opinion which that Committee, after mature deliberation, had unanimously come to. He congratulated the hon. Member for Bradford on the complete success of his motion—on the happy proof of consistency which he had exhibited—on the love he seemed to have for running upon the scent, even though he might chance to hunt alone. For, on the part of all the most prominent Members on the other side who had taken a share in this discussion, and even on the part of those who were disposed to support him, any concurrence in this proceeding was disavowed, and the hon. Member was abandoned by one or the other of them in almost every one of his resolutions. One hon. Member could not give his assent to the resolution about the 49th George 3rd; another, the right hon. Gentleman who had just sat down, said, "If I had been consulted, I would have told the hon. and learned Gentleman, that it would have been infinitely better to let the matter rest where it is;" and another would prefer that it should get the go-by, Was there one individual who said, that the hon. and learned Gentleman had acted rightly or justly? He would ask the hon. and learned Gentleman, whether had this not been a case involving considerations connected with a particular individual, the House would ever have heard a word about his motion? He would ask the hon. Member in the face of the country—and let the country and the House answer the question—each hon. Member putting the question to his own mind, to his own heart, and his own conscience—he would ask the hon. and learned Member for Bradford, whether this motion would ever have been heard of, if the question had not affected the character of an individual of great political importance at the present juncture? [*Hear, hear.*] He was quite ready to admit of that individual's political importance; and he assured the hon. Gentlemen who cheered him, that he should never shrink from expressing in any place, at any time, or at any hazard, his dissent from the views of the hon. and learned Member alluded to, when he thought they were wrong, and when he felt that it was his duty to differ from him; but he would never be guilty of the base cowardice of not doing his best to defend that hon. and learned Gentleman from charges such as these, which would never have been brought forward in this second shape at all, had it not been for their immediate connexion with the hon. and learned Member. For months on months the changes had been rung on these charges, which, after all that had been said upon them, had been found, on inquiry, to shrink into nothing. The question had been submitted for investigation to a competent and impartial tribunal. It had there undergone a full and fair investigation—a decision was pronounced upon it; and yet it was again attempted to be brought before the House. Now, was it seriously meant—it had not been so reasoned by his noble and right hon. Friends opposite—but could it be pretended that the whole of this charge which had been so long pending—which had already been decided by a Committee—but which, notwithstanding, had again been revived and placed on the Notice Book—could it be pretended that this charge was any other than a personal one against the hon. and learned Gentleman, the Member for Dublin, and suggested with a view of fixing a stigma upon his public character? He objected to the previous question, on this occasion, because by acceding to it he should render null the decision of their own Committee. He should vote for the resolutions of the noble Lord, the Secretary for the Home Department, because they ask the House to affirm nothing but opinions which the Committee had already pronounced, in reference to some observations that had been suggested before it. He must point out the strong distinction between the position laid down by his hon. Friend, the Member for London, and the version of it given by his right hon. Friend opposite. It was not right or fitting that the opinions of one entitled to so much respect should be misrepresented, and scattered over the land in a caricature, like some of those lately exhibited in the print-shops. The hon. Member had been made to say, that it was just that a candidate should go round to the constituency and say to each, "If you vote for me, I will guarantee all the expenses you may be put to in consequence." More flagrant bribery, more rank corruption than this it would be impossible to conceive; but the hon. Member said no such thing. He said, that he considered it to be quite just and legitimate that if an elector, by reason of his independent conduct, should suffer wrong, those who had sympathized in his loss, and who agreed with him in his opinions, should afford him an indemnity. Some Gentlemen appeared to differ from him on the point. Well, let them put the case to themselves.—He would ask his hon. and learned Friend, the Recorder, under whose judgment the Committee had passed, and been condemned without benefit of clergy—certainly a most merciful verdict for their sentence—he would ask the Recorder,—than whom no man would be more incapable of holding out to a voter the slightest promise of future benefit or reward,—to suppose a case. Let him suppose, that after the hon. and learned Gentleman's election, an individual had come to him, and proved, that in consequence of his attachment to the hon. and learned Gentleman—an attachment founded on political principles, he had suffered injustice, and been deprived of his livelihood; he put it to the hon. and learned Gentleman whether he would not have been justified in extending to that man the utmost relief that he thought the case required? The whole case would depend on whether or not there had been any agreement to procure the vote; if there had been, directly or indirectly, such a compact, then corruption must exist; but if no such bargain had been formed, then there would be no room for such an accusation.—[*Hear! Hear!*] Hon Gentlemen opposite seemed to imply, by their cheers, that there was such an engagement, but he denied it, upon the evidence that had been adduced; though, at that late hour of the night, when it was necessary to come to a speedy decision, he would not attempt to go into it.—[" *Oh! oh!*] Those Gentlemen who had read the evidence attentively would remember the letter which referred to the providing of a fund for compensating voters, and which stated that that fund was absolutely necessary to make good their losses, in case it should be wanted for such purpose; but which contained an injunction that no hope, promise, or expectation of reward should be held out to any individual for his vote. The passage would be found in page 69 of the Report, as follows:—

> "The principal expense will be to indemnify tenants who vote against their landlords' wishes; they may want from one year to half a year's rent. The greater part will only be a loan, and will be repaid. It will not, also, be required until after the election, and will be unconnected with any previous stipulation."

[*Read on! Read on!*] Hon. Gentlemen will be enabled to fill up the outline—

> "The tenantry who vote for us will thus expect that the Gentlemen who compose the Local Committee should prevent their landlords from ruining them by sudden demands at periods when the Irish farmer has nothing to sell."

It would be great presumption in him to differ from the House of Commons, but gentlemen conversant with Irish phraseology knew that the word "expect" bore in Ireland a meaning very different from its English signification. That, however, made no great distinction here, because the words on which he really rested his position were those which implied that there ought to be no previous stipulation for the payment of money. The whole of the case turned upon the evidence of this stipulation, and therefore he held, that in providing a fund for the indemnity of the electors of Carlow, there could be no corruption. He partly agreed with his right hon. Friend as respected any money transactions whatever between the voter and the candidate, or those who act for him; but he was prepared to defend cases of that description, if they were kept within the just and legitimate bounds he had mentioned. They might be, and were, perfectly just and innocent when no expectation of any kind was held out. He confessed that the practice was liable to abuse; but he could not consent to admit, on the evidence laid before the House, that any breach of privilege had been committed in the present case. The right hon. Gentleman seemed to think that this part of the case was excluded from the consideration of the Committee. Why, the hon. and learned Member for Bradford came forward with a charge imputing corruption, delinquency, and breach of privilege, and it was well understood by the Committee appointed to consider the subject, that the whole case turned upon that very question of breach of privilege. To shew this, there was the evidence of the hon. Member for Aberdeen, who informed the House that the first thing the Committee did, in order to cause the proceedings to assume a tangible form, was to read the resolution moved in the House, attributing to the hon. Member for Dublin corruption, trafficking in seats, and a breach of privilege. It was apparent that all this had been thoroughly gone into by the Committee. The hon. Gentleman who brought the charge forward treated it, himself, as a breach of privilege, and yet his right hon. Friend overlooked this material fact. The right hon. Gentleman, the Member for East Cumberland, was certainly the last man in the House whom he should expect to find supporting any measure tending to impugn the decision of a Committee of this House. The Committee appointed to inquire into the question before the House was more in conformity with the spirit of the Grenville Act than any which had been appointed since the passing of that Act. The course taken with respect to that Committee was adopted on the principles on which the Grenville Act was founded—to escape the irritating excitement of angry debate, the heated passions of crowded benches, and the fever and fatigue of protracted discussion. Yet his right hon. Friend wished to produce the very results which that Act was intended to obviate, and to bring before the House again a case that had been submitted to the decision of a Committee. He entreated the House to consider that they were not required to pronounce any judgment of their own; they were called on merely to support the judgment of their own Committee. He entreated them to see that the inquiry had terminated in the verdict originally pronounced, and unanimously acquiesced in by the House of Commons, as affecting the individual to whom it related. He trusted, then, that the House would not, at the bidding of the hon. and learned Member for Bradford, who seemed to delight in accusations, sanction a motion which no man who had participated in the debate had done otherwise than deprecate. It appeared that the chief parties against whom the accusation was levelled were not Mr. O'Connell and Mr. Vigors. They had been acquitted, and a new indictment—which was, however, contrived so as to involve the old question —had been framed against the Carlow Liberal Club. Were it not for the clamour raised against that association, and against the part they had taken in protecting the freeholders of the county, he believed that the House generally, and the public, would have been satisfied with the judgment of the Committee, and that neither hon. Gentlemen nor anybody else would ever have thought of impeaching it. He therefore hoped that the resolutions proposed by his noble Friend (Lord John Russell) would be carried by a great majority. Hon. Gentlemen opposite asserted that Ministers were forcing on this question to a division. He was unwilling to attribute to the other side the responsibility consequent upon the proceedings of an independent Member like the hon. and learned Gentleman (Mr. Hardy), especially as his course had been repudiated by many of them; but it was that hon. and learned Member who was forcing on the subject, to which his right hon. Friend opposite wished to give the go-by. He would not give the go-by to it; he would not hazard the character of the Committee and of the House itself, nor would he endanger the authority of the future proceedings of the House. He could not consent, after instituting an arduous and searching inquiry, after having arrived at an unanimous resolution on the subject of it, and having reached the goal of their long labours,—to relinquish the fruits of the investigation. The House ought to be especially cautious how they delegated their judicial functions, and should intrust them to none but men of grave wisdom and proved integrity; but having once appointed a Committee, composed, as this was, of men of the highest honour and respectability, nothing but imperious and undeniable necessity should induce them to set aside its decision. The unanimity of its verdict ought to be conclusive with the House, and he called on the House, as it valued its own character, as it valued the Report of its own appointed and approved Committee, not to go one step beyond that Committee's Report, but to support the finding and assert the purity of its members. [*Question, question.*]

Sir *Robert Peel*: if the House thought it for the interests of the hon. and learned Gentleman mainly concerned, that this discussion should be adjourned, he should willingly concur in that suggestion; but he confessed he was of opinion with the right hon. Gentleman opposite, that it would be most advantageous to that hon. and learned Member that the debate should be to-night brought to a conclusion. He thought there must be an unanimous wish on the part of the House that three more days should not elapse without the final settlement of the question. To pass, however, to the consideration of it; there was a mode by which it sometimes happened that hon. Gentlemen evaded the difficulties of an embarrassing question, and so far as personal feelings were concerned, he wished he could have reconciled to his sense of duty the evasion of this discussion in the manner to which he alluded—namely, by absenting himself from the debate, and declining to give his vote. But he thought the instances were rare in which a man could consistently with his public duty, abstain from being present at a discussion, or could evade the difficulty it might involve by absenting himself from it. The true course was to meet the difficulties as they occurred, and to strike the balance between conflicting obstacles, rather than to shrink from encountering them. It was his wish, upon this question, to act as nearly as he could in a judicial capacity, and he was bound therefore to state, whatever ridicule he might incur for the announcement from hon. Gentlemen opposite, that he was not a party to the motion brought forward by the hon. and learned Member for Bradford. He did not see the resolution which had been moved until he read it in the votes of the House; at the same time, he did not consider that it detracted from the importance of the question that it had not originated in party feelings, but was brought forward by an independent Member of the

House, of unimpeachable character, who, without reference to the sentiments or opinions of others, did that which he considered to be his duty, and rested the question which he brought forward, not on the basis of party or personal feeling—but merely upon the importance which might be attached to it by the House. The present question had been introduced by the hon. Member for Bradford. He, as an individual Member, had he been consulted, would have willingly advised him not to persist in it; but his counsel not having been solicited, he found himself called on to declare his sentiments upon the subject, endeavouring to reconcile, as nearly as he could, his duty to the individual to whom it referred, and to the public, a portion of whom he represented. He wished to reconcile strict justice to the hon. and learned Member for Dublin with deference to the Report of the Committee, and with the performance of his duty to the people of England. He came down to the House, like many others, wishing to hear the discussion, and not having his mind made up as to the course he should pursue. On coming into the House, there were three objects which he resolved to bear in mind as regarded this debate. The first was justice to the hon. and learned Member, whom it principally concerned; the next, deference to the opinion expressed by the Committee which had sat upon the subject; and the third, the performance of those duties which, as a Member of this House, he owed to his constituents, and to the public. The debate proceeded, and a proposal was at length made which he thought relieved him from the difficulties he had to contend with, and which reconciled the three objects he was desirous to combine. A motion was made to pass to the other orders of the day, or to meet the original resolutions with the previous question—which was tantamount to implying complete satisfaction with the verdict of the Committee, by a resolve not again to agitate a question that had been already submitted to adjudication. By whom was this proposition made? Was it made by any Member of this House indifferent to justice, ill-qualified to form an opinion on the merits of the case, conceited or jealous in his disposition, or one to whom the feelings and the honour of the Committee were a matter of utter indifference? The proposal to meet the motion with the previous question was made by no less an authority than the Chairman of the Committee—whose position in that body had been the most dignified—in whose opinion the most implicit confidence was reposed, and to whose feelings unqualified deference was due. The proposal of the hon. Gentleman was, as he thought, seconded by his noble Friend, also a Member of that Committee. Thus was there a motion intended to be made by the Chairman of the Committee, and seconded by an eminent Member of it, which was thought reconcileable with justice, perfectly consistent with the honour and feelings of the Committee, and with the discharge of public duty; and what had intercepted it? The motion had been distinctly announced, but some private and scarcely audible suggestion was made by the noble Lord (Lord John Russell), who gave advice to the hon. Gentleman, the impartial arbiter upon this subject, as regarded both the interests of the Committee and of the public; and the hon. Gentleman in consequence had not fulfilled his intentions, although his noble Friend had understood that he was seconding the proposal. Had that motion been made and seconded, the noble Lord would not have been entitled to make his motion, and he must say, considering the circumstances under which the noble Member for South Lancashire was placed, it would have been only common justice and fairness, if he was under an erroneous impression respecting the course pursued, at once to have made him acquainted with his mistake. The omitting to put that motion had, therefore, occurred through mere accident, or rather through a mistake, and a mistake for which the noble Lord was plainly responsible; he said responsible, because, if his suggestion had not been offered, the Chairman of the Committee would have persevered, and it was thus plain, that the noble Lord had availed himself of an opportunity which would not otherwise have presented itself of moving an amendment on an intended motion. He was anxious to have escaped a discussion of this question, from a multiplicity of considerations, which, separately, might not have justified that solicitude, but which, when combined, formed an adequate cause for it. He did not mean to say, that with the disclosures contained in the evidence before him, he was inclined altogether to disregard it, but he was anxious to avoid any appearance of giving an indirect sanction and encouragement to disclosures of confidential intercourse, which neither tended to elevate a man higher in the scale of society, nor to increase the probability of excluding, from a public question, private considerations, which ought not to influence the decision. He must say, as to the evidence, this was that portion which he was most anxious to disunite from it. Instead of being allowed, he would not say to give a go-by to this motion, but to meet it in a fair, Parliamentary, and constitutional manner—because, after reviewing all the circumstances of the case, he could not think it necessary to revive the discussion,—instead of being allowed to meet the question in a manner satisfactory to the Committee, to the public, and to himself, by giving his vote for the previous question, he was forced to consider the proposition of the noble Lord, which appeared to him to be of a nature utterly unprecedented. There was a clear distinction between acquiescing in an adjudication and adopting the verdict of a tribunal. The noble Lord insisted upon dictating to the House the precise terms in which they should express an opinion. He required from hon. Members, not an acquiescence in the decision of the Committee and a reluctance to disturb it, but the adoption of the sentiments of the Committee, and the use of the precise words in which that tribunal had recorded them. He was not present when the evidence was given; the parties who made up the Report might have many questions to settle, which required a compromise of past opinions, and this might have led to the insertion of any words justifying that mutual concession. In order to obtain general concurrence, words might have been inserted, in which all parties would not have acquiesced, but from a desire to promote unanimity. The noble Lord had not been present at the discussions in the Committee, nor had he heard the reasons which led to the insertion of such words, and yet he wished to compel the House to employ the precise words in which the Report of that Committee was drawn up. That body had acquitted Mr. O'Connell personally, and he entirely concurred with them, and he gave the hon. Member the full and unqualified benefit of that acquittal. He fully admitted the hon. and learned Member's right to take his stand upon that Report, as he himself had said. He would not go into the evidence, he did not wish to show that the Report was not perfectly satisfactory as regarded Mr. O'Connell; but he was quite sure that the Committee had considered the chief part of their duty to be to inquire into matters personally concerning him. This imputation was, they considered, the *gravamen* of the charge, to be of a personal nature, and he was not quite convinced, that they had thought it within the strict line of their duty to determine whether the whole transaction amounted to a breach of privilege. He repeated, then, that the noble Lord had no right to dictate the literal adoption of the Report, but as the rules of the House fully required him to acquiesce entirely in that Report, he was of course entitled to ask the noble Lord the meaning of several expressions contained in it. If the noble Lord inquired if he would acquiesce willingly in the Report, and would not disturb the decision of the Committee, he would say yes; but if the noble Lord would not permit him to do this, but demanded an unqualified adoption of it, then he (Sir R. Peel) must clearly comprehend the meaning of two passages in it, before he could say that they expressed his sentiments. The first was, that in which the Committee declared their opinion, "that the whole tone and tenor of this letter" from Mr. O'Connell to Mr. Raphael, "were calculated to excite much suspicion and grave animadversion." Now, what meaning did the noble Lord attach to the most important phrase in this passage—namely, "grave animadversion?" Did he, by these terms, mean to imply a censure on Mr. O'Connell, after the evidence which had been produced? If he did mean to express his reprobation, either qualified or unqualified, then on what ground did he blame Mr. O'Connell? Was it for a breach of privilege? If so, why did he not define the offence Mr. O'Connell had committed? Suspicion was a justifiable cause of inquiry, and he thought the noble Lord contended, the inquiry having been made, that the charge must be a false one. But the noble Lord adopted, in addition, the words "grave animadversion;" and these, as applied to a charge, were widely different from a mere suspicion. Suspicion attaching to a party formed a good reason for inquiry, but let him say, that grave animadversion belonged only to a case when the charge had been substantiated. If the use of these terms implied a censure on Mr. O'Connell, he wished to know what was the offence laid to his charge, and he thought that those parties who acted as his judges, and also those interested in behalf of Mr.

O'Connell, would have required an explanation upon this point, relative to the embodying of these words in the resolution of the noble Lord. The other part of the Report, with respect to which he felt much doubt, was this — he was called on to adopt the Report on the responsibility of a Committee of the House of Commons, and he wished, therefore, to have his doubts resolved. The concluding paragraph of the noble Lord's resolutions was this—" that it appears also, that this money has been expended under the immediate direction of Mr. Vigors, and others connected with the county of Carlow, on what may be called legal expenses, or so necessary, that this House sees no reason to question their legality, and that the balance was absorbed in defending the return of Mr. Raphael and Mr. Vigors, before the Committee appointed to investigate it on the 28th July, 1835." Now, he contended, with all deference to the noble Lord, that the necessity of the expenses was not a test to try their legality. A case might occur, in which expenses were necessary, and yet not legal. [Lord *John Russell:* I said " unavoidable."] " I said unavoidable," says the noble Lord. What I say is, that the House is called on to adopt the resolutions of the Committee, and the noble Lord has proposed a resolution which does not agree with the resolution of the Committee.

Lord *John Russell:* I must interrupt the right hon. Baronet, in order to explain that I desired the resolution to be copied, and the word "unavoidable" was copied " necessary." I did not observe this.

Sir *Robert Peel*—What he contended was, that the unavoidableness or necessity of the expenses—whether one term or the other was used — was no test of their legality; and he objected to approving a resolution of the Committee which seemed to imply that the necessity of the expenses constituted a sufficient reason why their legality should not be questioned. When the noble Lord called for the opinion of the House on the transaction, he not only opened the Report of the Committee, but he opened the whole of the evidence. If the noble Lord required the House to record its opinion that the expenses were unavoidable or necessary, he imposed upon it an obligation to express its opinion of the whole transaction fully. The opinion of the House was to constitute the rule by which other people were to judge whether such expenses were legal or not; and if, on reading the evidence thus produced to the House, the House recorded its opinion that the expenses were necessary—if by this proceeding the important rules of constitutional practice, devised to guard the purity of elections, were slurred over, should the House of Commons be hereafter called upon to punish persons who had acted under the sanction of this proceeding, the House would be in a position in which it could not administer justice. The only part of the evidence to which he should refer was that which related to the appropriation of the money which had been advanced for the election. It appeared, that the first 1,000*l.* paid by Mr. Raphael for election expenses was to be paid down in the first instance, and if any balance remained, after defraying the election expenses, it was to go to defray the expenses of the petition which unseated Messrs. Bruen and Kavanagh. Did the House mean to sanction that? Did it mean—not shrinking from adjudicating the question, but determined to give an opinion upon it—to sanction, or, at all events, to express no disapprobation of a transaction by which it was stipulated, in respect to this 1,000*l.*, by an express contract, that if any surplus remained, it should not go to cover any legal expenses connected with the election, but to discharge a debt incurred on account of a previous election? Did Gentlemen deny the fact to be as he had stated? Then he must be allowed to read the evidence of it. Mr. Vigors was asked, " Was the distinct understanding that out of the first 1,000*l.* paid by Mr. Raphael the election expenses were first to be paid, and if there was any balance, it was to go to the petition that unseated Messrs. Bruen and Kavanagh in May?—Yes. That the second 1,000*l.*, if not wanted for the petition that followed, was to go to the fund of the Carlow Liberal Club?—Exactly. I would observe that the words, 'If not wanted for the petition,' should be omitted, for it was to go under any circumstances, in the case of his being returned, to that fund. Do you mean that this was not merely your construction of it, but that you believed that Mr. Raphael also understood it in this point of view?—That was my construction of it, and which I meant to convey to him; whether he understood it or not I cannot exactly answer, but I intended to convey that to him." Then suppose a case of a city Member going through a contested election, and incurring a debt of several thousand pounds;

did the House mean to sanction this proceeding, that a contract might be made with a person hereafter to be returned, for a larger sum than the expenses would be likely to amount to, and if there was a surplus, that that surplus might go to pay the expenses of the previous election? Did Gentlemen mean to sanction this? [An hon. *Member:* "In the relief of poor electors."] The question was, whether the money could or could not be applied to other than election expenses. It was said that it was to go to a Liberal club, and be appropriated to the paying a year's rent, or half a year's rent, of tenants who were in arrear. If the House sanctioned the appropriation to either of these objects, or confirmed, by its silence, the resolution of the Committee, whose Report it was forced to review, why confine the compensation to tenants? Why not allow voters in cities or boroughs, when they are apprehensive of the consequences of freely exercising their franchise, to be indemnified for losing the good-will of their customers? In either case the violation of the right of election was equal, and in each case the claim for compensation would be equally valid. And the House must consider, when it was laying down a principle, that it could not limit it to *bonâ fide* cases of alleged wrong; if it opened a door on this pretext, a flood of unrestricted evils would rush in. The right hon. Gentleman, the Chancellor of the Exchequer, had had sagacity enough to foresee the evil consequences of such a case; but his sagacity in devising a precaution against them was not equal to the sagacity with which he foresaw the evil, because reading the evidence, and finding that the tenants "expected" remuneration—*rusticus expectat:*—expect was an awkward expression he admitted, but the right hon. Gentleman offered the House one consolation. He declared that the evil would be limited to England, for, on the best lexicographical authority possible, the right hon. Gentleman owns he was able to assure the House that between the meaning of the word expect in Ireland and in England the difference was very great. And this was the profound and satisfactory explanation given by the Chancellor of the Exchequer as a reason why there should be no apprehension in England of any evil consequence from this source. If, hereafter, any person in England made a claim upon a Liberal Club for compensation, and should consider himself entitled to expect it, the right hon. Gentleman would then come forward and tell him, "Your expectation, though not wholly groundless, was without foundation; for I am an Irishman, deeply read in the Anglo-Hibernian language, and I give you warning, that 'expectation' in England is a totally different thing from 'expectation' in Ireland." Unfortunately, the Legislature had not sustained this interpretation; for the Bribery Oath, which was administered in both parts of the empire, contained the word "expect," and with the same meaning. He asked the House, then, whether or not, if a case like this were made out on any other occasion, in other times, and under other circumstances, and a majority of the House of Commons had such a resolution brought before them, they would not have recorded their protest against it? The Chancellor of the Exchequer had said that this proceeding had been instituted against a conspicuous individual on the ground of political animosity, but he did not think so. Yet he might ask, whether, if the individual had been any other than the principal party actually concerned, would the Government have felt called on to defend him? Had the individual belonged to this side of the House, what would have been their course? He did not say that the hon. Gentlemen opposite would not have made allowance for the circumstances under which unfair and ungenerous disclosures might have taken place, but this was certain, that if their sense of duty and their generosity had prevented them from visiting the man with punishment, the sense of the duty they owed to the public would have pointed out to them the propriety of entering their protest against the public offence.

Mr. *Ridley Colborne* [*Cries of* "*Question*,"] would detain the House but a short time, but it must be admitted that he was entitled to make a few observations after the preliminary remarks of his right hon. Friend. His right hon. Friend complained with some bitterness, of his having withdrawn his motion of the previous question, but he thought his right hon. Friend not entitled to make that withdrawal a ground of complaint. What were the circumstances? Being the first to rise he said he felt it was necessary for him to conclude with some kind of motion; he did not, however, know exactly how the question was to be met, but he would propose the previous question. In his opinion the resolutions must meet with the approbation of the House; what were they but a literal copy of the resolutions of their own Committee. He wished to meet the question in the way that was most congenial with the general feeling of the House. He wished to allude to another observation of the right hon. Gentleman; he had alluded to the Report as if a compromise of opinion had taken place in the Committee. He would state what occurred in the Committee. Having adjourned to consider their Report, he returned home, and without consulting any human being, he sat himself down to draw up what he thought a fair and just Report of the proceedings. When the Committee met again he told them what he had done. He said he felt that he should have done it better if he had availed himself of the advantage of the assistance of any one of the members of the Committee; but as his situation was very peculiar, and he was bound to act most impartially, he thought that his best way would be to draw up the Report, and then submit it to their consideration. If it did not meet with their approval, he was ready to tear it in pieces, and throw it into the fire. He then read over that which he had drawn up, and subsequently read paragraph by paragraph; they all said they entirely coincided, and they thought it a just view of the question. Even that did not satisfy him; but he asked them individually to rise in their places, and declare their opinion; every one did so, and they all acquiesced in that Report. With the exception of a few verbal alterations, that which he had produced was adopted as the Report of the Committee. In drawing it up, he had not adopted one man's opinion more than another, but had endeavoured to take an unbiassed view of the case. All that he desired was a fair Report; if any one had differed from him in opinion it would have been a source of no annoyance to him. He should not have been in the least hurt if the Members of the Committee had said it was little to the purpose. His only object, he repeated, was to take a fair view of the case:—

> "Si quid novisti rectius istis
> Candidus imperti, si non, his utere mecum."

He had only one more observation to make. He was sure the hon. and learned Member, who made the Motion, did not wish to persecute the hon. and learned Member for Dublin; but certainly the course which he had pursued savoured of persecution—and, instead of repressing the influence of that Gentleman, he believed it would have a contrary effect. He was not an admirer of all the conduct of that Gentleman. His influence in his own country was great, and he had no fear that it would ever be so great in this country; but if such should be the case, on looking at the motion of the hon. and learned Member for Bradford, he must consider that hon. and learned Member as the most liberal benefactor of the hon. and learned Member for Dublin.

Mr. *Roebuck*: [*Cries of "Question!"*] assured the House that he would detain them but a short time if they would but afford him a patient hearing.

The *Speaker* said, that it would hardly be necessary for him to inform hon. Members that the course now pursued was the most certain way of extending the time consumed in the debate. The business of the House would be more speedily and more decently proceeded with, if every hon. Member who rose to take a part in the debate were heard with patience and attention.

Mr. *Roebuck* said, that the question before them related to the purity of election. It was whether or not a certain set of persons were justified in raising money for the purpose of protecting voters. He had a right so to state the question. When parties said that there had been corruption, it became them to know who had made that charge, in order that they might know the sense in which the term was used. Now, he must observe, that it came from the opposite side of the House, and there sat the Tory party. The right hon. Baronet had asked them to produce an instance. He must complain of the interruption that proceeded from the hon. Member for Derbyshire. He promised not to detain them long, but how could he be supposed capable of collecting himself to state this difficult question, unless he were allowed to proceed with some regularity. He wished to bring the matter home to the parties whom he saw opposite. He wished to ask certain hon. Gentlemen whom he saw on those benches certain pertinent questions, and he would begin with the hon. Gentleman who had brought the subject forward. If not allowed to state the argument, he would hope that he should be allowed to state the question. The hon. Member for Bradford had been three or four times accused of being himself one of those who had corrupted the purity of election. Let that hon. Gentleman rise in his place and state on his honour as a Gentleman that he had not done so. The right hon. Baronet, the Member for Tamworth, had said a great deal about the purity of election, he wished him to state whether he had never bought a seat. He wished also to ask the noble Lord (Mahon), the Member for Hertford, to state on his honour whether he had never bought a seat. He now held in his hand an answer to the question which had been put by the right hon. Baronet. One word more and he had done. He had before him an account of a judicial investigation in a court in Scotland. The subject of inquiry being some corrupt practices in a borough between Sir E. Sugden and Mr. Gordon. Now, the right hon. Baronet had inquired whether there ever had been a case in which proceedings against any individual belonging to his party had not been pressed? His answer was the case to which he had just referred. Before he sat down he would again call upon the hon. Member for Bradford to state if he had never had anything to do with corrupt practices at elections. If the hon. Gentleman would answer that question, he would rest content.

Mr. *Hardy* said, that there were several accused parties before the House. There was the hon. and learned Member for Dublin. He hoped hon. Gentlemen would do him the justice to hear him; for he had been accused in a most indecorous and improper manner. Let us, exclaimed the hon. Gentleman, have justice for once from that side of the House. Let me be heard as a man who is accused falsely before you. Sir, I do not know the number of accusations that have been made against me; but I will begin with the last. Unsupported though it is by anything like evidence — unsupported though it is by anything like notice having been given to me, the hon. and learned Member for Bath has thought proper to adopt, on this occasion, that "*tu quoque*." I should have thought that the hon. and learned Member for Bath, and the hon. and learned Member for Dublin, would have been ashamed to adopt that course, for when a man addresses another with a *tu quoque* he admits his own guilt, whatever he may attempt to fix on another. I can tell the hon. and learned Member for Bath, as I would tell the hon. and learned Member for Dublin if he were here, that his accusation of bribery against me is unjust and unfounded. The transaction alluded to occurred ten years ago. I beg that hon. Gentlemen will do me the justice to hear what I have to say. A petition on the ground of bribery was presented against me in consequence of some transactions alleged to have occurred in the borough of Pontefract. The right hon. Baronet below me was my nominee on that occasion; Mr. Sergeant Spankie and Mr. Harrison were my counsel. In the course of the investigation I put myself into the witness-box in order to be examined, and they did not dare to ask me a question. And now as to the charge of the right hon. Gentleman, the Chancellor of the Exchequer, who has done me the honour of giving me his particular notice, and has thought proper to say that I delight in accusations. I can tell the right hon. Gentleman, the Chancellor of the Exchequer, that I come into this House as independent as he. I can tell him that I delight no more in accusations than he does in imposing taxes. I can tell him that I knew who I was attacking in bringing a case against the hon. and learned Member for Dublin, but finding that no other hon. Member brought the subject forward, I felt it to be my duty to do so. I made my account, however, for a full allowance of vituperation, of misrepresentation, and of every species of calumny that could be heaped on me. And now for the hon. Member for Wales (Mr. R. Colborne), who has thought proper to accuse me of a wish to persecute. I hear the hon. Members cheer. I tell him, and those who surround him, that I have brought forward a case of as flagrant corruption as has ever been brought forward on the other side of the House by those who have dared to defend the conduct of the parties on this occasion. As regards the hon. and learned Member for Dublin, he is not the sole delinquent in this matter. Do not my resolutions bring also before you Mr. Vigors and Mr. Raphael, and the Carlow Liberal Committee? Every one is as much accused as another; but not one word is said by the hon. Gentleman opposite in defence of any one of those individuals, except the hon. and learned Member for Dublin, and the public will guess why. If the hon. Member for Dublin had been a mere banker on this occasion, as Mr. Vigors was willing to represent him, I should be glad to know whether there would be the same objection to the sifting of this case. If amongst the *dramatis personæ* of this affair of corruption, instead of the hon. and learned Member playing the part of banker, that had been done by Messrs. Wright and Co., not a single attempt would have been made to defend the conduct of those parties. The hon. and learned Member proceeded to contend that if these accusations could have been brought against any individual connected with his party, the hon. Gentleman opposite would have been anxiously prosecuting them in every possible way. He did expect that somebody who called himself a Reformer would have come forward to put an end to such corrupt practices. They now have the hon. and learned Member supported in such transactions, even by those who had formerly denounced him in the King's Speech. Upon the first night of the Session he waited to see if any Liberal Member would take up this matter; and it was not until the last moment that he gave notice on the subject. Having given that notice for inquiry, a Committee was appointed. The hon. and learned Member would have objected to his being on the Committee, but he was quite sure that the hon. and learned Gentleman would have no objection to his (Mr. Hardy) being a nominee, he having the hon. Member for Newark as his pocket nominee at the time. The hon. and learned Member would have done so, knowing that there was but little chance for him (Mr. Hardy) against the hon. and learned Member for Newark. Now he would wish to ask if there ever yet was a case brought more home to an individual than this; or if there ever yet was a case in which an individual was treated with more fairness? They had the matter of the charge from week to week in the public papers, and yet the hon. and learned Member for Dublin obtained a delay, and was at length compelled to acknowledge that an inquiry ought to take place. He had felt it to be his duty to read over the testimony that had been given. He would ask hon. Gentlemen opposite, who were prepared to vote against this question, if they had read the evidence? Every person who had done so was competent to vote upon this occasion, and he should not impugn that Member's vote. The hon. and learned Member for Dublin had every advantage in this inquiry. He had the appointment of friends of his own on the Committee; and he had gentlemen who knew nothing of adjudication, except what they acquired at quarter-sessions. That hon. and learned Member had the advantage of his own witnesses being examined. There was Mr. Vigors, his colleague in the matter. Was there not Mr. Fitzgerald, one of the parties, examined? Was there not Mr. Tyrrell? Was there not Mr. Baker? All persons connected with the hon. and learned Member for Dublin. Those who were *participes criminis* were examined as witnesses, and yet all these were interested in concealing the transaction; and in spite of all these, there were circumstances to show the most gross corruption—of corruption that was not to be defended. He did not impeach the finding of the Committee. He took it for granted, that the Committee were right in acquitting the hon. and learned Member for Dublin of pecuniary corruption, and putting money into his own pocket. They had heard the case of a man making a bargain that the expenses of a petition were to be paid, that man having seventy votes at his command, and contracting with Mr. Raphael to procure his return for Carlow. He would ask if there could be a case of greater corruption than that. The hon. Member for Bridport had taunted him (Mr. Hardy) with not having examined the 49th of George 3rd sufficiently; and with having overlooked the provision which makes it legal to expend money in legitimate election expenses, *bona fide* incurred; but it seemed to him, that the hon. Member wanted some of the tact and ingenuity of the lawyer, for he had himself omitted to notice the fact that the provision in question only applied to expenses already *bona fide* incurred, and not to contracts to aggregate those expenses. He was determined to be heard if he stood there for hours, and those who had interrupted him throughout might expect resolution on his part. The hon. and learned Member for Newark had talked of its being legal to indemnify the voters for the losses they had sustained in consequence of their votes, but in this case it appeared that Mr. Vigors had actually given the electors of Carlow notice, that this money would be divided among such as should suffer. While on this subject he would refer again to that letter of Mr. O'Connell, which stated that Lord Duncannon, the father of Mr. Ponsonby, had written to arouse his tenants strongly in his son's behalf. Did the great Liberal landlords, who thus wrote to their tenants, doubt for one moment that their requests would be complied with? No. And he could assure the noble Lord, the foster-father of the Reform Act, that, while he had extended the representation, he had also widened the field of corruption. It was, indeed, on the example, and in pursuance of the maxims, of the noble Lord himself, that he (Mr. Hardy) brought this question first before the House. He had an extract from a speech of the noble Lord, delivered in answer to Sir E. Sugden, in which the noble Lord said—"It is my opinion, that as long as I am a Member of this House, I ought to do my utmost in causing the laws to be properly supported. One of them is, that the sale of seats in the House, either directly or indirectly, shall not be allowed." The noble Lord had called on him to see the principle carried into execution—a duty he was engaged in doing to the utmost of his ability. How was the noble Lord engaged now? Was he engaged in preventing the sale of seats at Carlow, or was he not rather holding out an intimation that hereafter Members might sell seats with impunity? Perhaps he ought to add—provided they were under the wing of the hon. and learned Member. The noble Lord had characterised his allusion to the offer of the Baronetcy as a trumpery attack; but he had also alluded to it for the purpose of showing that the hon. and learned Member had been unable to procure a Baronetcy for the Sheriff of London. But why did not the Sheriff have the Baronetcy? Because he would not have it. His answer was, that he preferred the chance of a seat in the House of Commons to a Baronetcy. But what was the real secret of the transaction? Why, on the day when Mr. O'Connell offered Mr. Raphael the Baronetcy he had 1,000*l.* of Mr. Raphael's money in his hands, which would have been forfeited to the Carlow Club had Mr. Raphael accepted the Baronetcy; besides, that it would have saved the 600 votes which were struck off. He thought, that this was the most reasonable explanation that could be offered on the subject of the Baronetcy, and he hoped the noble Lord would thank him for it. But if this was the answer, what course was the noble Lord adopting? Was he prepared to follow up his principle as one of the great principles of Reform, and to hold forth to the constituencies of the country, that such principles as those might be acted upon? Was the noble Lord prepared to link this principle to those principles of civil and religious liberty by the promulgation of which he hoped to go down to posterity on the page of history? If he was, and if he was to be supported in that course by those who sat behind and around him, then he hoped that when those hon. Members—those who styled themselves Reformers—came to meet their constituents, they would not forget that they had set themselves up as Radicals, while they had at the same time refused to entertain a motion, the only objection to which was, that it was an attack on a Committee of the House. Those might be the principles of the noble Lord, and of those who voted with him, but he had acted throughout in a conscientious feeling of right, and he should persevere in pressing the question to a division, even though he should not have a single vote to support him. He felt, that he should be able to justify himself to those to whom he must hereafter account, and he now left the case with confidence in the hands of the House.

Lord *Mahon* said, that if he had thought the hon. and learned Member for Bath had intended to make a mere vague charge against him, unsupported by reference to any particular case, he would have abstained from rising to answer him; but if the hon. and learned Member alluded, as he had no doubt a perfect right to do, to the evidence taken before the Hertford Election Committee, then he was prepared with an answer to the charge. The only person who made any charge whatever against him before the Committee was one voter, Russell Davies by name, who swore before the Committee, that he had offered him 10*l.* for his vote. He could not himself be examined before the Committee in contradiction, because he was the person directly and immediately interested; but after the decision of the Committee had been made known, he then caused an indictment for perjury to be preferred against Davies, under which he was convicted of that crime, and on the trial of that indictment, he (Lord Mahon) swore on oath that he had never, on that or any other occasion, offered him or any others a bribe. He believed that this was all he need state on this occasion, in answer to the hon. and learned Member for Bath.

The House divided on the original question; Ayes 169; Noes 243; Majority 74.

The following resolutions were then severally carried:

"That it appears to this House, that Mr. O'Connell addressed a letter bearing date the 1st of June, 1835, to Mr. Raphael, in which an agreement for Mr. Raphael's return for the county of Carlow, for 2,000*l.*, was concluded."

"That the tone and tenor of this letter appears to this House calculated to excite much suspicion and grave animadversion, but it appears, upon a careful investigation, that previous conferences and communications had taken place between Mr. Raphael and Mr. Vigors, and other persons connected with the county of Carlow, and that Mr. O'Connell was acting on this occasion at the express desire of Mr. Raphael, and was only the medium between Mr. Raphael, and Mr. Vigors, and the Political Club at Carlow."

"That it appears to this House that the money was paid to Mr. O'Connell's general account at his banker's in London; that it was, however, advanced to Mr. Vigors the moment it was called for; that, though some of it was paid in bills, the discount was allowed, and that the amount was, therefore, available whenever wanted; that it is, therefore, the opinion of this House, no charge of a pecuniary character can be attached to Mr. O'Connell."

"That it appears to this House, that this money has been expended, under the immediate direction of Mr. Vigors, and others connected with the county of Carlow, on what may be called legal expenses, or so unavoidable that this House see no reason to question their legality; and that the balance was absorbed in defending the return of Mr. Raphael and Mr. Vigors before the Committee appointed to investigate it on the 28th of July, 1835."

Lord *Stanley* moved the following resolution:

"That it appears that there was between the contracting parties a distinct understanding that if any surplus should remain after providing for the legal expenses of the election of Mr. Raphael, that surplus should be applied in the first place toward defraying the expenses of a petition upon a previous election, and in the next to the fund of the Carlow Liberal Club; and that such understanding calls for the notice of this House, as liable to a serious abuse, as of dangerous precedent, and as tending to subvert the freedom and purity of election."

Mr. *Warburton:* Sir, I have but one observation to make; I dispute the matter of fact stated in the noble Lord's resolution. If I have collected the evidence properly, so far as regards the letter of Mr. O'Connell referred to in the first resolution of the hon. Member for Bradford, the understanding to which that hon. and learned Gentleman acceded to was, that the sum in question should go first towards defraying the legal expenses, and if any balance remained, that that should be applied, not to paying the expenses of a by-gone election, but the expenses of a coming contest, which was proved to be fully expected by the fact that counsel were retained.

Lord *John Russell* said, the grounds on which I resisted the motion which has just been disposed of by the House, were, that I was ready to abide by the decision of the Committee. I found myself unable, therefore, to propose the previous question, knowing that to propose it would have been merely saying, that on a question of a very grave character, and on resolutions of a very criminatory kind, this House was not prepared to come to any decision on the subject. But having rested on the decision of the Committee, I must say, that I am not prepared to agree to a resolution, either of the kind proposed by my noble Friend, or any other which would go beyond the opinions contained in that Report. I am satisfied with that investigation. My hon. Friend, the Member for Bridport, says, that he disputes the facts of the resolution which has been proposed. I make no comment upon them. Whether my hon. Friend be right or wrong I do not say; but I do say, that if the Committee agreed on those facts, and thought them material to report to the House, I conclude they would have so reported. I, therefore, am not prepared to come to a resolution which I, for one, cannot but consider as absolutely unnecessary, and I shall, therefore, take the liberty of moving, "That the other Orders of the Day be now read.

The House divided on Lord John Russell's motion: Ayes 238; Noes 166—Majority 72.

The other Orders of the Day were accordingly read, and the House adjourned at a quarter past three o'clock.

We subjoin the Lists of the First Division. The Members voted in a similar manner on the Second Division, the only difference being, that a few Members left the House. On this account we think it needless to publish the duplicate List.

List of the Ayes *on the First Division.*

Agnew, Sir Andrew
Alford, Lord
Alsager, Richard
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Bagot, hon. W.
Baillie, hon. D.
Baring, H. B.
Baring, W. B.
Barneby, J.
Beckett, Sir J.
Bell, Matthew
Bentinck, Lord G.
Beresford, Sir J.
Blackburne, I.
Blackstone, W. S.
Boldero, H. G.
Bolling, W.
Bonham, R. F.
Borthwick, P.

Bradshaw, J.
Bramston, T. W.
Brownrigg, S.
Bruce, Lord E.
Bruce, C L. C.
Bruen, Col.
Bruen, F.
Calcraft, J. H.
Castlereagh, Viscount
Chandos, Marq. of
Charlton, E. L.
Chichester, A.
Clive, Viscount
Codrington, C. W.
Cole, Viscount
Compton, H. C.
Conolly, E. M.
Coote, Sir C., Bart.
Corry, hon. H.
Darlington, Earl of
Dick, Quintin
Duffield, T.
Dugdale, W. S.
East, James Buller
Eastnor, Viscount
Eaton, Richard J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Elley, Sir J.
Elwes, J. P.
Entwisle, J.
Estcourt, T. G. B.
Estcourt, T. S. B.
Feilden, W.
Ferguson, G.
Finch, G.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gladstone, Thos.
Gladstone, W. E.
Glynn, Sir S.
Goodricke, Sir F.
Gordon, W.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, Sir J.
Green, T.
Greisley, Sir R.
Hale, R. B.
Halford, H.
Halse, J.
Hamilton, Lord C.
Hardinge, Sir H.
Hawes, T.
Hay, Sir J. Bart.
Henniker, Lord
Hill, Lord Arthur
Hill, Sir R. Bart.
Hope, J.
Houldsworth, T.
Hughes, W. H.
Jackson, Sergeant
Jermyn, Earl of
Inglis, Sir R. H., Bt.
Jones, W.
Jones, T.
Irton, S.
Kerrison, Sir E.
Knightley, Sir C.
Law, hon. C.
Lawson, A.
Lees, J. F.
Lefroy, T.
Lincoln, Earl of
Longfield, R.
Lowther, hon. Colonel
Lowther, J.
Lucas, E.
Lushington, S. R.
Lygon, hon. Col.
Maclean, D.
Mahon, Lord
Manners, Lord C.
Marsland, T.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miller, W. H.
Mordaunt, Sir J., Bt.
Morgan, C. M. R.
Neeld, J.
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Palmer, R.
Parker, M.
Patten, J. W.
Peel, Sir R., Bart.
Peel, W. Y.
Pemberton, T.
Perceval, Colonel
Pigott, R.
Plumptre, J. P.
Plunket, hon. R. E.
Polhill, F.
Pollen, Sir J., Bart.
Pollington, Viscount
Praed, W. M.
Price, S. G.
Pringle, A.
Reid, Sir J. R.
Rickford, W.
Ross, C.
Rushbrooke, R.
Russell, C.
Ryle, J.
Sandon, Lord
Scarlett, hon. R.
Sibthorp, Colonel
Smith, A.
Smyth, Sir H., Bart.
Somerset, Lord E.
Somerset, Lord G.
Stanley, Lord
Stormont, Lord
Sturt, H. C.
Tennent, J. E.
Thomas, Colonel
Trevor, hon. A.
Trevor, hon. G. R.
Twiss, H.
Tyrell, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, hon. B.
Williams, Robert
Wortley, hon. J. S.
Wyndham, W.
Wynne, rt. hon. C. W.
Wynn, Sir W.
Yorke, E. T.
Young, J.

TELLERS.

Hardy, J.
Clerk, Sir G., Bart.

List of the NOES.

Acheson, Viscount
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Anson, G.
Astley, Sir J.
Attwood, T.
Bagshaw, J.
Baines, E.
Baldwin, Dr.
Bannerman, Alex.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Beauclerk, Major
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G. C.
Bernal, Ralph
Bewes, T.
Biddulph, R.
Bish, T.
Blackburne, J.
Blamire, W.
Bowes, J.
Bowring, Dr.
Brabazon, Sir W.
Brady, D. C.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buckingham, J. S.
Bulkeley, Sir R.
Buller, C.
Buller, E.
Bulwer, H. L.
Bulwer, E. L.
Burdon, W. W.
Burton, H.
Butler, hon. P.
Buxton, T. F.
Byng, G.
Byng, G. S.
Campbell, Sir J.
Campbell, W. F.
Cave, R. O.
Cavendish, hon. G. H.
Cayley, E. S.
Chapman, M. L.
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clements, Viscount
Cockerell, Sir C., Bt.
Codrington, Sir E.
Colborne, N. W. R.
Collier, J.
Conyngham, Lord A.
Crawford, W. S.
Crawford, W.
Crompton, S.
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Denison, W. J.
Denison, J. E.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R. S
Duncombe, T. S.
Dundas, J. C.
Dundas, hon. T.
Dunlop, J.
Ebrington, Lord
Edwards, Colonel
Elphinstone, H.
Etwall, R.
Evans, G.
Ewart, W.
Fellowes, N.
Fergus, J.
Ferguson, Sir R.
Ferguson, R.
Fergusson, rt. hon. C.
Fielden, J.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Folkes, Sir W.
Forster, C. S.
Fort, J.
French, F.
Gaskell, D.
Gillon, W. D.
Gisborne, T.
Gordon, R.
Goring, H. D.
Grattan, J.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Gully, J.
Hall, B.
Hallyburton, hn. D. G.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Heathcote, J.
Hector, C. J.
Heneage, E.

Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hodges, T.
Horsman, E.
Howard, P. H.
Hume, J.
Hurst, R. H.
Hutt, W.
Jephson, C. D. O.
Jervis, J.
Jóhnston, A.
Kemp, T. R.
King, E. B.
Labouchere, H.
Lambton, H.
Leader, J. T.
Lefevre, C. S.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Loch, J.
Long, W.
Lushington, C.
Lynch, A. H. S.
Mackenzie, J. A. S.
Macleod, R.
Macnamara, Major
M'Taggart, J.
Marjoribanks, S.
Marshall, W.
Marsland, H.
Maule, hon. F.
Methuen, P.
Molesworth, Sir W.
Morpeth, Lord
Mostyn, hon. E.
Mullins, hon. F. W.
Murray, rt. hon. J.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, Maurice
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Oliphant, L.
O'Loghlen, Sergeant
Oswald, J.
Paget, F.
Palmer, General
Palmerston, Lord
Parker, J.
Parnell, Sir H.
Parrott, J.
Parry, Sir L. P. J.
Pattison, J.
Pease, J.
Pechell, Captain
Pelham, hon. C.
Pendarves, E. W.
Philips, M.
Philips, G. R.
Pinney, W.
Potter, R.
Poulter, J. S.
Power, J.
Pryme, G.
Rice, rt. hon. T. S.
Rippon, C.
Robarts, A. W.
Roche, W.
Roebuck, J. A.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Ruthven, E.
Sanford, E. A.
Scholefield, J.
Scott, Sir E. D.
Scott, J. W.
Scrope, G. P.
Seymour, Lord
Sharpe, General
Smith, J. A.
Smith, R. V.
Smith, B.
Speirs, A.
Strutt, E.
Stuart, Lord D.
Stuart, Lord J.
Stewart, V.
Talbot, C. R. M.
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Thompson, P. B.
Thompson, Colonel
Thornely, T.
Townley, R. G.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Turner, W.
Villiers, C. P.
Vivian, Major
Vivian, J. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wason, R.
Wemyss, Captain
Westenra, H. R.
Weyland, R.
Whalley, Sir S.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Williams, Sir J.
Wilson, H.
Winnington, Sir T.
Winnington, Capt. H.
Wrightson, W.
Wrottesley, Sir J., Bt.

TELLERS.

Stanley, E. J.
Steuart, R.

* * *

HOUSE OF LORDS,

Monday, April 25, 1836.

MINUTES.] Bills. Read a second time:—Divisions of Counties.

Petitions presented. By Lord KENYON, from Highland, against the Repeal of parts of the Factories' Regulation Act.—By Lord HATHERTON, from Yeovil, praying that it may be inserted among the Corporate Towns of Somerset.—By several NOBLE LORDS, from Solicitors of various Places, for the Alteration of the Ecclesiastical Courts' Consolidating Bill.—By Lord LYNDHURST, from Proctors of the Diocesan Court of the Province of Canterbury, to be permitted to examine Witnesses against the Bill.—By Lord MARYBOROUGH, from Portarlington, against the Clause empowering 5*l*. Householders to vote for Corporate Aldermen and Councillors.—By Lord LYNDHURST, from Youghall, that the Qualification to vote for Corporate Aldermen and Councillors under the Irish Corporations' Bill may be raised to 20*l*.; and from the Common Council of Cork, against the Bill.—By the Bishop of EXETER, from the Wesleyans of Exeter, Honiton, and several other Places, for the Better Observance of the Sabbath.

NEWSPAPER STAMP DUTY.] Lord *Lyndhurst* said, he rose to present a Petition from certain gentlemen, the printers or proprietors of the *Times*, the *Morning Herald*, the *Morning Post*, and the *Standard* newspapers. The petitioners stated, that they had learned from authority, on which they could perfectly rely, that a measure was contemplated, which, if carried into effect, would prove extremely injurious to their interests, and would, besides, tend greatly to impede the information which the public derived through the medium of the daily press. The petitioners did not complain because Government had turned its attention to the subject of Newspaper Stamps, but they strongly objected to the manner in which it was proposed to carry the contemplated measure into effect, as being unjust and partial in its operation. They stated, that they were informed, and from the best authority, that it was intended to restrict the size of newspapers; that a tax of 1*d*. was to be imposed on papers of a certain size, and a larger tax, or 1*d*. additional, was to be levied on papers exceeding that size. They observed, that previous to 1825 a similar restriction existed, and was found to be extremely hard and injurious in many respects. In consequence of this, application was made to the Government of that time to remove the cause of complaint, through Mr. Huskisson, who represented the facts to the then Chancellor of the Exchequer. In the correspondence which followed, the injustice and impolicy of the restriction were clearly admitted, and it was ultimately removed by the Chancellor of the Exchequer. In consequence of the removal of that restriction, as well as looking to the grounds and principles on which that removal was founded, the newspaper proprietors had concluded that a similar restriction was never afterwards to be enforced. Acting under this impression, they had laid out considerable sums of money and expended much capital in enlarging their machinery, and making other improvements, both with respect to the printing and other departments of their different newspapers. They affirmed, that if the proposed restrictions were carried into effect, all the capital so employed by them would be entirely useless—it would, in fact, be wholly thrown away; and therefore, in that respect, the measure would work very injuriously with reference to their interests. This was one of the grounds stated in their petition. They further stated, that this measure would be partial and unjust in its operation, on this ground, that there was no daily newspaper that exceeded the size of the other newspapers, except one, which was about one-eighth larger. That was sufficiently large for all its purposes—for its intelligence, advertisements, &c.—and therefore it never published what was called "a double sheet," which was an enlarged sheet, being twice the ordinary size. Now, it was singular that the size of this particular newspaper was selected as the standard. Any paper exceeding that size was to sustain an increased tax. All papers of that size, or below it, were to pay the reduced rate, but those which exceeded that size would be liable to an increased duty. But the petitioners said, that the size selected by that particular journal would not answer their purpose; and that the plan proposed would be oppressive, injurious, and partial, so far as their interests were concerned, seeing that it would confer a particular favour on one newspaper, at the expense of most of the others. The petitioners did not assert, that in the formation of the proposed measure any person was influenced by an unfair bias; but to this point he might call their Lordships' attention, and he believed the fact to be so, that the paper to which allusion had been made was the only Morning Journal that supported the policy and principles of his Majesty's present Government. He did not mean to say, that the journal in question supported that policy and those principles without any restriction, because it appeared to exercise a severe and vigilant control over his Majesty's Government; but the fact which he had stated, and which he had a right to state, had undoubtedly excited considerable jealousy and apprehension amongst those whose interests were likely to be seriously affected. It was stated that the Stamp was not meant as a tax, but was intended to cover the expense of postage; and that, therefore, it was proper that the larger paper, should pay a higher rate than that which was of a more limited size. That, however, the petitioners argued, was a new principle, for they had never paid more for a double than a single sheet. Besides these points, the petitioners went into a consideration of the effect which the proposed alteration would have on the tax, that effect being to injure the revenue; and they reasoned the matter thus:—They said, if the measure became law, it would operate as a prohibition of double papers, which were charged to readers at the same price as single papers; because, if double the ordinary amount were called for, readers would not purchase, and, therefore, double papers would not be published. Now, if these double papers were discontinued, a great loss to the revenue would be the consequence, as the petitioners had fully, fairly, and distinctly shown. The double sheet was chiefly resorted to on account of the advertisements, the average number of which was 600, giving a duty of 45*l.*; and supposing the impression of the double sheet to be 10,000, it gave an additional paper duty of 11*l.*, making a total of 56*l.* Here, then, it was evident that a loss would inevitably result from the prohibition of double papers, a loss more than equivalent to the additional penny. The effect of this tax would be an absolute prohibition of publishing these double sheets, and as the papers generally appeared in that form three or four times a-week, here was a certain loss on a sale amounting to 10,000, or perhaps more. The petitioners stated further, that the tax was opposed to the principle of the Bill itself, which professed to take off, as far as possible, every impost which impeded the increase of knowledge and intelligence, which, in fact, professed to remove the taxes on knowledge; but, instead of having that effect, its operation would be to diminish the diffusion of knowledge one-half. These were the statements in the petition, which appeared to him to be striking and forcible, well-worthy of the consideration of their Lordships, and particularly of his Majesty's Government, who, he hoped, would speedily turn their attention to them.

The Petition was brought up and read. On the question that it lie on the Table.

The Earl of *Ripon* said, the clear and luminous statement of his noble and learned Friend had recalled to his mind the fact, that it had been his duty, as Chancellor of the Exchequer, to propose certain modifications of the duty on stamps, and he introduced at that time the removal of the restriction which, it appeared, was now about to be renewed. He very well recollected that, when he proposed to the House of Commons the modification which was now to be removed, it was received by the House as a very liberal concession. And it certainly would not be unreasonable, in support of his own consistency, to call upon Ministers to state the grounds on which they meant to alter the tax, and to do away with the restriction, if the Bill found its way into that House with the alterations to which his noble and learned Friend had alluded.

The Marquis of *Lansdowne* said, this was a petition against a Bill that was not before their Lordships' House. When the measure was introduced he should be prepared to answer the allegations of the petitioners. Many of the topics referred to, he admitted, demanded inquiry, and Government was anxious to place every portion of the press on a footing of equality.

Lord *Lyndhurst* said, the petition did not mention any specific Bill, but alluded merely to a measure that was generally talked of.

The Marquis of *Lansdowne* did not conceive that that was the proper time for going into the matter which the noble and learned Lord had argued and discussed. Much confusion and dissatisfaction would arise from adopting so irregular a course.

Lord *Lyndhurst* said, he had entered into no argument, but merely stated the facts contained in the petition.

The Marquis of *Lansdowne* understood the noble and learned Lord to have said, that the argument and reasoning of the petition had forcibly struck his own mind, and were calculated to make an impression on their Lordships.

Petition to lie on the table. It was as follows:—

"TO THE RIGHT HON. THE LORDS SPIRITUAL AND TEMPORAL IN PARLIAMENT ASSEMBLED.

"The humble petition of the undersigned showeth—

"That your petitioners are printers or proprietors of daily newspapers in this metropolis, and have learnt that a measure is in progress, by which, if completed, their interests will be materially injured, the information of the public derived from the daily press greatly impeded, and the revenue drawn from the several duties to which newspapers are liable diminished.

"It is proposed, that 'no newspaper shall be printed on any sheet or piece of paper exceeding 41 inches in length and 26 inches in breadth, unless the same shall be stamped for denoting the payment of double the duty by this schedule imposed on any newspaper.'

"Now, your petitioners beg leave to state to your right hon. House, that the effect of this will be to prevent absolutely the publication of what are called double papers, and thus to cramp the undersigned in the just and necessary exercise of their business. The partiality of the measure will be no less striking when laid before your right hon. House than its general oppressive character; for the admeasurement recommended to be imposed by the new act is exactly such as will spare a journal unaccustomed to publish double papers, which is peculiarly attached to the present Administration, and oppress and impoverish all the others which adopt a more independent and impartial line of policy.

"That the law now existing with reference to the size of newspapers has been in operation ever since the year 1825, at which time the late Mr. Huskisson was so convinced of the impolicy and injustice of restrictions similar to those now proposed, that he introduced an act leaving to printers the exercise of their own discretion with respect to the size of their journals, thus establishing the principle of a free trade in this as in other commercial property.

"That in consequence of this rational, as well as liberal view, the then Parliament repealed those restrictions upon the size and form of newspapers which it is now attempted to reimpose; and so thoroughly convinced were your petitioners that it could never be attempted to bring so erroneous and even barbarous a principle into action again, that their machinery, and all their mechanical arrangements, have been formed and established in the confidence that they could not hereafter be so restricted and harassed in the fair operation of their business. The proposed law would also greatly inconvenience the papermakers.

"By the intended measure, therefore, the greatest risk to property, which is become valuable through an immense outlay of money and labour will be incurred; the amount of which property is of itself a pledge to the state of the good conduct and character of those who are embarked in the management of the daily journals. The diffusion of useful intelligence, also, being an object which it is desirable to promote, your petitioners beg to state that the limitation of the size of a paper is a more direct impediment to the spread of knowledge than a high price; because a combination of small subscriptions enables the poorest people to read the journals even at their present price, whilst a compulsory *maximum* of size will prevent a newspaper from publishing more than a fixed quantity of matter, except at the expense of an additional stamp.

"The loss to the revenue, also, will be no less obvious than the impediment to the obtaining information; inasmuch as the extra number of columns which go to the composition of what is called a 'double sheet' are filled almost exclusively with advertisements—and thus the obstacle thrown in the way of publishing such advertisements, and of consuming a double quantity of paper, will operate in a twofold manner against the derivation of any profit to the public from the additional stamp of 1*d*., which is levelled against journals of more than a given size.

"Your petitioners, therefore, humbly pray that your right hon. House will not sanction a measure which bears with such peculiar and even personal hardship on certain individual newspapers, whilst it violates the plainest principles of free trade, and tends to defeat the productiveness of duties already established—viz., that on advertisements, and that on the manufacture of paper; contracting and diminishing the sum total of information circulated amongst the reading public, and not even providing an equitable copyright as a protection to the capital and literary labour profusely expended by the daily journalists, in the constant acquisition and preparation of new matter to meet the wants of the community.

"And your petitioners, &c.

"JOHN JOSEPH LAWSON.
"EDWARD R. HEARN.
"CHARLES BALDWIN.
"THOMAS PAYNE."

Entails, (Scotland).] The Earl of *Rosebery* said, he had, on a former occasion, observed that his introducing any measure to alter the law of entail in Scotland, must depend on those persons in that country who were individually interested in the subject. Since then he had been induced to frame a Bill, in consequence of very strong representations which had been made to him by individuals who were anxious for a relaxation of the existing law. That Bill he now took the liberty of offering to their Lordships. It would effect a very considerable alteration of the law as it now stood. It gave the power of granting leases for the ordinary duration of time to which leases usually extended, which could not now be done in many instances. Next, it contained a power for alienating land for the purpose of building. In the third place, it gave the power to any proprietor to exchange lands for others of an equal value—the exchange to take place before the sheriff of the county. The last change would be to give landed proprietors power to sell for the payment of certain debts. All these several powers their Lordships were in the habit each session of granting, but he deemed it advisable to make them the subject of a general act, so that parties might be enabled to do that with ease which now they could not perform without encountering much vexation and expense.

The Bill read a first time.

HOUSE OF COMMONS,

Monday, April 25, 1836.

Minutes.] Bills. Read a first time:—Insolvent Debtors (Ireland).

Petitions presented. By several Members, from a great Number of Places, for the Better Observance of the Sabbath.—By Mr. Labouchere, from Witnesses attending the Assizes at Taunton, for an Enactment whereby Justice may be brought to the doors of all Classes at the least expense of Time and Money.—By several Members, from various Places, for the Abolition of Tithes (Ireland).—By various Members, from various Places, for the Repeal of the Duty on Spirit Licences.—By Mr. Maxwell, from Campsie, for Relief.—By Mr. Grantley Berkeley, from Gloucester, for transferring the Trials of minor Crimes from the Quarter Sessions to the Jurisdiction of the Magistrates in their Local Courts.—By Mr. R. Wallace, from legal Practitioners of Inverness, for the Repeal of the Attornies' Tax.—By Mr. R. Wallace, from the Chamber of Commerce, Greenock, for the House to reject any Measure for the Erection of any Asylum Harbour at Portdysilloea and Pollokshaws, for the Abolition of Flogging in the Army.—By Dr. Bowring, from Workington, for the Alteration of the Marriage Bill.—By several Members, from various Places, against the Tithes' Commutation Bill.—By Mr. Leader, from the Licensed Beersellers of Bridgewater, to place them on the same footing as the Licensed Victuallers. By Lord Ashley, from the Medical Association of Dorset, for Remuneration for Attending Coroner's Inquests.—By Mr. Bolling, from Bolton, for the Amendment of the Factories' Act; and for the Repeal of the Duty on Newspapers.—By Lord Viscount Ebrington, from various Places, against the Turnpike Trusts Consolidation Bill.—By Mr. Fox Maule, from Denny, and Dunnypace, for the Alteration of the Law relating to Statute Labour (Scotland).

Tithes & the Church (Ireland)]. Lord *Morpeth* presented petitions in favour of an alteration of the law relating to tithes in Ireland, from grand jurors and land owners of the counties of Mayo and Longford, and from a parish of the county of Cork.

Mr. *Bingham Baring* presented a petition from a body of the Protestant clergy of Ireland, suggesting, that Government ought to buy up tithes, and invest the money in land for the endowment of the Church.

Lord *Morpeth* moved the order of the day for the House to resolve itself into a Committee on Irish tithe laws; and farther, that the part of the King's Speech at the opening of the Session which related to that subject be read, and referred to the Committee.

The House resolved itself into a Committee.

Viscount *Morpeth* spoke to the following effect. If I rise on this occasion with anything short of that feeling of confidence and alacrity which, perhaps, ought to accompany every discharge of a public duty, it arises from the recollection that I made a similar attempt last year, and that I now renew it with the depressing consciousness of a former failure. In saying thus much, I hope I am not permitting any merely personal consideration to enter into my feelings—that it is not any individual mortification, nor any fear of undergoing labour or responsibility, or of exciting tedium in my hearers, which makes me shrink from the task I have undertaken. The naturally inherent difficulties are sufficient to account for any anxiety. I will not predict, at present, whether I can hold out any reasonable hope of being able to overcome those difficulties; but most sure I am that more than ever they join their testimony against all further delay, disappointment, or defeat. I am aware that indications to a contrary effect have not been wanting, for I find that, in the course of the present Session, a petition has been laid before the other House of Parliament (I am not certain whether we have seen it also here) coming from the clergy of the arch-diocese of Tuam, and dioceses of Ardagh, Killala, Achonry and Clonfert, stating the desire of the subscribers, with all due submission, to disabuse their Lordships from the impression that tithe composition cannot be collected in Ireland. They then detail certain circumstances connected with assessments, and proceed as follows:—"Much has been done already, much is in progress, and we have good reason to expect that by patience and perseverance, and the due execution of the law as it now stands, under the 2d and 3d William 4th., c. 119, especially under its 15th section, we may at no distant period secure the undisturbed possession of our rights, and be at peace. While we confess ourselves ignorant upon what principle of ustice reduction in our income can be contemplated—while we would refuse to sanction such an extraordinary procedure by any act of ours—while no remonstrance or expostulation shall ever go from us tending to impede the progress of Parliament upon things purely temporal—yet, in conformity with the conviction above-stated of the efficacy of the law as it now stands, we should pray your Lordships not to change or alter it, without being fully satisfied that the substituted measure will be more consonant to strict justice, and more likely to promote the peace and prosperity of the country." I own that I read this expression of opinion with some surprise. I do not mean to convey any censure; and throughout the whole of this discussion, whatever may be thought of the part I have felt myself called upon to take, or of the principles which I make no secret of avowing, yet, considering what their peculiar position has been, and continues to be, from me the body of the Irish clergy have not had, and shall not have, any expression bordering upon slight or disrespect. Still I confess my utter inability to assent to the opinion recorded in the document I have just read. I admit that a somewhat larger amount of tithe may have been collected in the present year, chiefly owing to the vigour with which law proceedings have been carried on, than in years immediately preceding; but I believe that the entire amount collected has in the first place been greatly inadequate to the wants of the clergy; and, in the next place, and above all, that it has been most partial and capricious. They have gleaned, perhaps, in some abundance in some districts from comparative good will, and in others from apprehension, but gathering very scantily from the most valuable sources of emolument. The munificent contributions of the British public bear on this point; but large and liberal as they undoubtedly have been, no one will be found who will contend that they ought to be looked to as a permanent source of endowment for the Irish clergy. Whatever opinion may have been expressed by a portion of the Irish clergy, I do not believe that it corresponds with the sentiments of the body at large. Among the communications I have myself received, I will merely quote one letter addressed to me, because the day when I was to bring forward my present motion was merely adjourned. The writer, in a letter dated Rectory, Roscrea, March 25, 1836, says:—

> "My Lord—The clergy of the diocese of Killaloe have heard with dismay the postponement of the Irish Tithe Bill. As vicar-general and ordinary (in the unavoidable absence of the bishop) of the diocese, it is my duty to give them every information in my power; and as I have to meet many of them

next week, and know that they have staid proceedings for the recovery of their incomes, in the hope that the question would have come on, and will, if it be much delayed, be obliged, most reluctantly, to carry into execution the writs of rebellion, I beg to be informed how soon we may expect the general measure to be brought forward.

"Truly may I say for them, as well as for myself, that 'hope deferred maketh the heart sick.' Our situation is pitiable in the extreme. We cannot sit down and starve; and we cannot proceed but at the hazard of our own lives, or the lives of the persons we employ.

"May God of his infinite mercy behold and visit his church, and thus be pleased to direct and prosper all your consultations to the advancement of His glory, the good of His Church, the safety, honour, and welfare of our Sovereign, and his dominions."

This, it will be seen, is directly at variance with the petition from which I just now read one or two passages. I think, therefore, to comply with the advice there given, to leave things in their present condition would, in the first place, be most disasterous to the Irish clergy. But, let me ask, would it be more generally acceptable to Irish proprietors? Upon this point I may quote to the House the language of two petitions I have just presented, which are from such a character and quality of persons as to render it a most unsuspicious and pregnant document, as to the sentiments of the persons they may be taken to represent. One of them is from the grand jury of the county of Mayo, who say that they are "anxious to call the attention of the House to the vexatious operation of the tithe system." They add, that "they have heard with surprise and regret the assertion of some tithe proprietors, that the law at present is sufficient for the recovery of tithes, although it was known that the attempt had, in many instances, been attended with ruinous expense, and, in some instances, with loss of life." They, therefore, pray the House to adopt such legislative enactments as may remedy present evils, and lead to a general obedience to the law. The petition from the high sheriff and grand jury of the county of Longford expresses similar sentiments: they say, "viewing with alarm the unhappy state to which this country has been reduced by the present tithe system, we are anxious to call your attention to its vexatious operations. We have deemed it essential to express our feelings on the present occasion, and we have heard with surprise and regret the assertions of some tithe proprietors, that the law, as it at present exists, is sufficient for the recovery of tithes, although we know that the attempt has been, in many instances, attended with ruinous expense to the landholders, and in some instances with loss of life. We, therefore, pray that you will take into consideration the present unhappy state of the law on this subject, so pregnant with evil to all classes of society, and that you will make such legislative enactments as may remedy the present evils of the system, and lead to a general submission to the law." During the limited period of my own residence in Ireland, and in the casual intercourse of society, several instances came to my knowledge of gentlemen who had paid their tithes, but who found it necessary to accompany the payment with the condition that it should be kept a profound and impenetrable secret. This is certainly a novel mode of treating a legal claim. On an early evening of the present session the House had the advantage of hearing read a letter from the hon. and learned Member for Tipperary, written, as I felt at the time, in a spirit which did him great credit; we have there a very speaking proof that the duty of vindicating the law and upholding the just claims of property, about which much has often been glibly said, is not, however, abstractedly incontestable, so very easy and simple in its execution. When we find, that the hon. and learned Member with all his talents, with all his influence, and certainly no very backward supporter of the popular cause, feels that all would weigh lightly in the estimation of his attached constituents if placed in a balance against the damning evidence of his discharge of a legal obligation—surely we require no stronger testimony. But, granting for a moment, and for the sake of argument, that success should so far attend the present course of operations, that the clergy should generally receive their dues under the existing law, I ask, would the House be reconciled to the ordinary, habitual, and daily enforcement of those means and processes by which, and by which alone, to all appearance, that object can now be attained? I pass over all the variety and number of applications which, during the whole series of recent Irish Administrations have been continually poured in upon the executive Government for the assistance of the military and police in the collection of tithes; because, whether censure may be thought on the one side or on the other, to attach to the conduct of any Government in individual instances, they must at present, and I believe until you effect a palpable alteration of the law, constitute part of your executive policy under all administrations there, and under all Ministers here. But I will remind the House of the very latest features that have marked the present mode of operation in Ireland, by reference to the last dispatches from that campaign, as the whole procedure for collecting the revenues of the Church may, alas !without a metaphor, be termed, "the enforcement of the writs of rebellion," and particularly their enforcement by night, under circumstances of considerable outrage have led (says my informant) to so much excitement, especially in Kildare, as to induce the Lord-Lieutenant, after the decision in the court of Exchequer, to order that the aid of the police should be afforded to the commissioners of rebellion whenever it should be required. I have felt myself compelled to issue an order that it should not be extended to the enforcement of those writs by night. One of the most recent of these communications runs thus:—

"The sub-inspector states, in the accompanying letter, that he was prevented, by indispensable attendance with his police at an inquest, from affording protection to the Commissioner in the execution of the writs of rebellion referred to in his previous communication of the 30th March, which I forwarded from this office on the 1st instant; and he inquires if the police of other districts may be assembled for the purpose of aiding in the performance of such duties, as he deems the presence of a considerable force necessary for the preservation of the public peace. I shall inform him that his earnest endeavours should be used to prevent the shedding of blood; and that it would be better to bring together the whole constabulary of the county than incur the hazard of losing a single life by engaging in the service in question with inadequate means."

Mr. Brownrigg, though a most active officer, has not contrived to ingratiate himself with that portion of the Irish people, which is generally supposed to be the most favourable to the present Government, and from him the subsequent communication has been received:—

"Tralee, March 30, 1836.

"Sir—I have the honour to acquaint you that I have been called on by a man named Daniel Flynn, one of four Commissioners named in certain writs of rebellion, to afford him protection whilst employed in the execution of said orders in the parish of Currens, which is about ten miles from this. I have accordingly made arrangements to give the required aid on Saturday next.

"I feel it my duty to observe, that if the entire county were to be searched, four more disreputable, drunken, or unfit individuals to be employed upon so onerous and responsible a duty, could not be found; they are, in fact, the very worst description of the common bailiff.

"I will, of course, be particularly careful not to permit the police to be involved in any embarrassment by the above person.—I have, &c.

J. Brownrigg, Sub-Inspector.

"Major Millar."

I submit that what I have read—unless you can make some settlement of the question more consonant with the feelings of the people of Ireland—presents a melancholy prospect for the future condition of Ireland. Looking at the state of society there—at the condition of the clergy, of the proprietary, and of the peasantry—I cannot come to any other conclusion, than that it is for the interest of all parties that an alteration should be made in the present system, and a permanent settlement completed; and that until it is achieved the peace and prosperity of Ireland will be indefinitely hazarded and postponed. Having now given the reasons why I think it was the duty of Government to bring forward a measure, it follows that I should proceed to state what the general provisions of that measure are. And here, having already alluded to a similar endeavour made last year, I feel that upon this occasion I derive at least one advantage from that experiment, however abortive; it is this, that it materially tends to diminish the extent of my present trespass on the indulgence of the House. Where the provisions of last year are retained, they occupied so much time in discussion, and excited so much interest, that they must be sufficiently fresh in recollection, not to require more than the general mention that they are preserved in the plan I am about to propose. Where they are altered, and others substituted, I shall offer what I hope will be an adequate, though I believe it need not be a lengthened explanation. The Bill, then, that I now ask leave to introduce, follows the uniform precedent of three previous Bills of, I think, four successive Administrations, in converting the tithe composition into a rent-charge, payable by the owners of what is called the first estate of inheritance. The Bill also preserves those terms of commutation, which, in the Bill of last year, were adopted by both Houses of Parliament. For this reason I think they ought not to be changed without a sufficient reason, and they confer a reduction of 30 per cent. upon those subject to the payment of the tithe composition. I have said that I think it not expedient to alter the terms of the commutation proposed by the Bill of last year; but circumstances have since occurred—the rejection of another Bill, the lapse of another year, and the variety and number of the proceedings instituted in the Law Courts of Ireland, whether under the sanction of the Lay Association or otherwise—which induce me to think that I could not, either becomingly or successfully, invite the House to apply any remaining portion of the national funds to the payment of arrears of tithe. The attempt to do otherwise would involve in endless complications. Neither do I recommend the imposition of any burden on the Perpetuity Purchase Fund. I, for one, deeply regret to be debarred from doing full justice, or rendering complete relief to any body of men illegally deprived of their dues, or undeservedly suffering privations; but this is an accumulating evil, which every fresh postponement of the measure necessarily carries along with it, and must proportionably extend and aggravate. At the same time I shall again abandon all thoughts of requiring repayment of sums already advanced under the Million Act, amounting in the whole to 637,000*l.*, and to remit which the consent of all branches of the Legislature was repeatedly signified. Although there are some upon whom the demand might properly be made, yet the attempt to enforce it would probably not pay the expense of the pen, ink, and paper employed upon it. Besides, it would occasion a renewal of demands upon the occupying tenantry, whom, all along, it has been the first and foremost object to relieve. On this, which has always been comparatively the undisputed portion of the Bill, some doubt has been expressed as to the quarter where the collection of the rent-charges, to be substituted for tithe compositions, should be lodged. In the Bill of last year, we proposed to intrust this duty to his Majesty's Commissioners of Land Revenue—the Board of Woods and Forests—with the single intention of rendering the collection as secure and as available as possible to the clergy. This we considered only a just equivalent for the large permanent deduction made from their incomes. It was objected, on the one hand, that this arrangement had a tendency to put the Church in the condition of salaried and stipendiary dependance upon the State; while it might be urged, on the other hand, that it was permanently pledging the revenues of the country to out-goings which it might be hazardous, at all times, to guarantee. Without, therefore, deciding the question, with a view to a permanent arrangement, we have thought that the exigency of now realizing the object in the manner most likely to be effectual, and less productive of collision between the clergy and the laity, far overbalances any merely theoretical objections. We, therefore, propose intrusting the collection of the rent-charges to the Board of Woods and Forests for seven years, and, without venturing to anticipate what the then subsisting state of affairs may suggest, for as long afterwards as Parliament shall direct. We hope that we shall thus adopt a method of meeting the disordered and complicated condition of affairs with which we have to deal, while we avoid every appearance of laying down a permanent rule of interference as a fetter for the free judgment of those who we hope will have to exercise it under circumstances of diminished difficulty and subdued excitement. We renew the provision for allowing a revision of the present tithe composition, in the cases and under the limitations specified in the Bill of last year, because we believe that those limitations admit any instances of real and substantial grievance, while they shut the door against all false and frivolous pretexts. More valid objections seem to have been taken last year against the Clause respecting a re-valuation of corn-averages, and as the lapse of another year has brought us nearer to the period of adjustment which must finally take place under the present law, we only propose to apply to rent-charges the rules which govern subsisting tithe compositions. This seems to me all that it is necessary to state on that part of the Bill which refers to immediate arrangements and affects present incumbents. I now, therefore, arrive at that more debateable field, still smoking with the heat of former conflicts, which comprises the plan for the future regulation of the

Church Establishment. I can assure the Committee I do not approach this question with any presumptuous feeling. I wish it were in my power to hold out the hope that now at length there is ground for believing that we can come to an amicable convention, or determine on a truce from conflict. And here I may be permitted to say, that I do not think any explanation is due to the House of the answer which I gave to the right hon. Baronet on Friday last respecting the terms of the resolution which I mean this evening to submit. I think that everybody in the House—I am sure the right hon. Baronet the Member for Tamworth—will acquit me and my noble Friend, the Secretary for the Home Department of any intention of giving the question which he asked any other answer than that which it obviously called for, namely, to ascertain whether the terms of the resolution which I meant to propose were such as to call for any division of the House. I, in fact, meant that my motion of to-night should be analogous to that for leave to bring in a Bill. At all events, I will now state frankly, and without disguise, the motives and principles on which we are prepared to proceed. His Majesty's Government feel that they cannot abandon the declaration of principles with which they entered on office. They feel that they cannot shake off the engagements under which they conceive themselves to stand, of doing justice to the Irish people. And the tenor of that virtual, and to them I contend most honourable contract, I conceive to be, that if, in the future disposition of the revenues of the Irish Church, any portion of them should, in their view, be superfluous for the legitimate and becoming uses of the members of her community, that it shall, after the satisfaction of all existing interests, be applied to the religious and moral instruction of the entire of the Irish people. In pursuance, therefore, and in conformity with those principles they do not refuse to meet—nay, they are anxious to obviate—any just and well-founded objections which might have been brought forward during the last discussion of the measure against the mode of carrying their own object into effect. His Majesty's Ministers have every disposition to adjust the details in such a way as may enable them to receive and entertain suggestions, no matter from what quarter they proceed, provided their adoption can be rendered compatible with their adherence in steadiness and good faith to the essential principles of the measure. Now, Sir, I feel that, on this occasion, I may consider it as an established and conceded principle that Parliament has a right to deal with the revenues of the Church, if it shall deem them superfluous for church purposes; because, as long as the resolution adopted by this Parliament stands on our books uncancelled and unrepealed, I have a perfect right to consider that principle admitted. I cannot, of course, answer for the result of the future deliberations of Parliament; but I appeal to the responsibility and discretion of this House for a confirmation of the statement which I have made. Now, it will be remembered by the Committee, that the main feature for effecting this purpose in the last measure was the suspension of all livings in parishes in which the number of the members of the Established Church did not amount to fifty. This motion encountered much opposition and reprobation; but still I consider it perfectly tenable. However, it will be in the recollection of hon. Gentlemen, that the main portion of the arguments brought against that Bill did not fall so much within the line of the suspended benefices as without it.

> "Your system (it was said) tends to spoliation, to confiscation, to revolution, to murder, or, to sum up all the evils in one familiar word, to Popery. Supposing it to be fair and just that the parishes which do not contain the number of inhabitants which you have fixed upon should be suspended, still I see, with respect to the parishes to which your principle does not apply, what anomalies you still leave unremoved—what deficiencies you neglect to supply—how little interest you appear to feel in the moral efficiency of the Establishment. Here still there will be churches without Protestants, and flocks with no pastor; extended and exhausting duties, with scanty and inadequate remuneration. After you have dissevered the union of parishes, there will be some without any income at all, and others with a yearly income of 10*l.*"

This view, I need not say, was taken with especial and with prominent effect by the right hon. Baronet, the Member for Tamworth; and if, in what follows, I appear at all anxious to pay deference to his authority, and to embody his suggestions in the measure I mean to propose, let him not interpret my willingness to avail myself of what he may justly conceive to be, in some respects, a well-earned triumph, in any other sense than as proving my consent to follow the same track with him, although it may not lead to the same end. In the speech of the right hon. Baronet, on the measure of last Session, there is the following passage:—

> "There are 670 benefices in Ireland, with Protestants of the Established Church varying in number from 50 to 500. There are 209 benefices in Ireland, with Protestants of the Established Church varying in number from 500 to 1,000; there are 242 benefices in Ireland containing more than 1,000 Protestants of the Established Church. I have thus divided the benefices of Ireland into three classes, varying with the extent of the Protestant population." * * * "Now, take the three classes of benefices to which I have referred—assume that you are at liberty to apportion the revenue of their church according to some rule having reference to the extent of duty, and the number of the Protestant inhabitants, will any man propose a more moderate allowance than that of 200*l.* a-year to the 670 benefices of the first class, 300*l.* a-year to the 209 benefices of the second class, and 400*l.* a-year to the 242 benefices of the third class?"*

Now, I do not dispute the reasonableness of this suggestion, if, in adopting it, we can do so consistently with what is justly due from us to the interest of those parties to the general adjustment, without whose sanction and approval no adjustment of the question can have the slightest chance of success—I mean, in fact, the Irish nation itself. We accordingly propose, on the future vacancy of any benefice, to make, as before, compensation for the patronage of private individuals who may be in possession of them. The Lord-lieutenant will also direct the Board of Ecclesiastical Commissioners, now sitting in Dublin, to submit to the Privy Council a Report of all the particulars relating to the vacant benefices. A Committee of the Privy Council will be established with a view to this especial purpose. This Committee is to consist exclusively of members of the Established Church, and to be nominated by his Majesty. We propose that this Committee shall be intrusted with powers of altering the boundaries of the vacant benefices, subject to such modifications as the subsequent vacancies of contiguous benefices may render it desirable to effect. Now this part of the scheme was not shadowed out in the suggestions of the right hon. Baronet, the Member for Tamworth, but follows more closely the opinions expressed by the hon. Member for Winchester (Mr. B. Baring), in conformity with which I was glad to perceive that the hon. Gentleman presented a petition from some members of the Established Church this evening. The powers thus intrusted to the Privy Council are closely analogous to those which have been already exercised with respect to the formation and dissolution of unions. I find, since the year 1718 to the present time, the Lord-Lieutenant and Privy Council have united and erected 289 parishes into 94 benefices, consisting of a union of two or more parishes, thereby making each union consist, on an average, of three parishes. And within the same period there appear to have been 60 cases in which the benefices, as formerly subsisting, have been remodelled by the Lord-Lieutenant and Privy Council, by disuniting parishes, or parts of parishes, from one another, and erecting new benefices thereout; or by annexing the disunited part of a parish to an adjoining benefice. Thus, after fixing as they may think proper the relative duties of future incumbents, the Committee will proceed to affix the income to be paid to each incumbent, taking care to confine it within such limits as every friend to the Church must wish, and to apportion it on the scale which was suggested in the speech of the right hon. Baronet, a part of which he had already read to the House. We propose, in the same way, that in all those benefices where it shall appear by the Report of the Commissioners of Public Instruction of last year, or by the evidence of the documents on which that Report was founded, that there will be, in future, from 50 to 500 members of the Established Church, the income of the clergyman shall be fixed at a sum not exceeding 200*l.* per annum. Where the number of Protestants may vary from 500 to 1,000, the income of the clergyman is not to exceed 300*l.* And where the number is from 1,000 to 3,000 Protestants, the income is not to exceed 400*l.* per annum. Thus far I use the precise proportions of the right hon. Baronet, according as they stand in the speech which I have read to the House; but I add a little to his computations at each end of the scale. The right hon. Baronet did not advert to the benefices in which the number was below fifty; and it would not indeed be consistent with the tenor of his argument to have done so,

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* Hansard (Third Series) vol xxix. p. 809-810.

Wherever this is the case, I assign to the incumbent an income not exceeding 100*l.*; thus not necessarily suppressing any part of the benefices which now exist, but placing the incumbent in a situation correspondent to the exceedingly light duties which, in the parishes to which I have just referred, he will be called on to perform, and remunerating him in a manner at least as liberal as they can be from the income which this useful body of men are now able to realise. Where the members of the Established Church are three thousand and upwards (which will generally occur in cities), the amount of duties being increased, and the expenses of living greater, we raise the income of the incumbent of such benefices to 500*l.* per annum. Now, before I venture to talk of any surplus, I ought in the first place to state to the Committee what I calculate upon as the future available revenues of the Established Church of Ireland:

The clerical tithe payable to the parochial clergy may be fairly stated at . .	£511,500
Remitting 30 per cent. leaves rent-charge	358,050
Ministers' money	10,000
Primate Boulter's Fund	5,000
Glebe lands are supposed to be worth £92,000, and after deducting £5,500 for rents, they will be	86,500
Total	£459,550

There are nominally 1,385 benefices in Ireland, of these a considerable number are sinecure. I do not mean that they have no members of the Established Church, but such as that no duties could be performed in them, they being held by the dignitaries of the Church. There are also benefices which cannot be presented to according to the Church Temporalities Bill, which has already passed, divine worship not having been performed in them for the last three years. Now, I admit that I give the power to the Privy Council to constitute new benefices, a power which they are likely to exercise in those instances where extensive unions of parishes prevail in Ireland. I think, however, the number of benefices may be taken at 1,250, and in the computation which I have made I have selected a high rate of expenditure.

For 129 benefices, containing less than 50 members of the Established Church, at £100 each, will amount to	£12,900
For 670 benefices, varying from 50 to 500 members, at £200 each	134,000
For 209 benefices, from 500 to 1,000, at £300 each	62,700
For 188, varying from 1,000 to 3,000, at £400 each	75,200
For 54, containing 3,000 and upwards, at £500 each	27,000
Allowing glebe to the value of £25 per annum to each of the 1,250 benefices	31,250
Curates	18,888
Total	£361,938

Amount of Church revenue under proposed plan	£459,550
Amount of remuneration to the clergy under proposed plan	361,938
Difference and surplus to be applied to other purposes	£97,612

This surplus, it will be recollected, is much larger than the sum contemplated last year. For the reasons I have already stated, this surplus will be liable to further encroachments. And in calculations with regard to which much will depend on future arrangements, it would be presumptuous to pretend to perfect accuracy. I only, thereupon, venture to point out the probable results of the change we propose. It will also be remembered that no part of the surplus to be realised can become available until existing interests are satisfied, and purchases of advowsons effected, together with other charges appertaining to the plan we propose. With this surplus it is proposed to deal precisely as in the Bill of last year. After satisfying all the ecclesiastical uses to which it is to be applied, the remainder is to be paid into the consolidated fund, on which an immediate fixed charge of 50,000*l.* a year is to be made for promoting the religious and moral education of the Irish people. There are other clauses in this Bill, providing some additional facilities for the purchase of perpetuities, and making some further additions to the ecclesiastical fund in the obvious spirit of the measure of last Session. These are the principles of the measure which I now submit for the adoption of the House, not pretending that there may not be (indeed, I myself can perceive them) some objections urged to certain portions of the measure; but being thoroughly convinced that without some powerful objections no scheme can be framed for remedying the condition of affairs with which you have now immediately to deal, I have great doubt whether in strict logic the definition of the difficulties which are to be encountered in the settlement of this question do not fall short of two opposite extremes—either that of keeping up the Church in its present state, or that of suppressing the

Church altogether, and establishing or giving a concurrent endowment to all churches, one with another, I have already stated at the outset of my observations, why we cannot consent to leave things in their present state; and if the other alternative were ever thought of for a moment, every one who considered the consequences of its adoption, must admit that it could not be attempted to be carried into effect without the greatest difficulties, that it would shake the whole framework of society, and, that from the collision of opinions, and the conflict of parties, such an event would be attended with even worse consequences than those by which the present condition of Ireland is marked I do not, however, seek to dissemble my opinion, that if we annually repeat the experiment of adjusting and regulating the Established Church, without bringing our efforts to any practical result, the time will come (if even this experiment be not the last), when the object of our conflict will be extinguished; and that when we have marshalled our opposing forces, we shall discover ourselves pressing upon a lifeless corse, and untenanted armour. Seize the occasion, I implore you, whilst it is yet yours. I do not deny that here and elsewhere you will be able to bring out a large array of opposing forces; but I do not believe that there is any fortress for you to fall back upon, so as to recruit your strength for future campaigns. The measure which we now submit is liable, I admit, to probable objections in certain quarters, particularly when I call to mind that whilst we have endeavoured to obviate many of the grounds of opposition taken to our former measure, we have not abandoned the essential principle, nor, of course, consented to forego its practical results. So far as it relates to the present clergy, it ensures to them a secure income below that, perhaps, to which they are now legally entitled, but far above what they are able to realise from the good will of the Irish landlord, the intimidation of the Irish peasant, or even the generosity of the British public. With respect to the future, we do not propose to extinguish any of the existing benefices. On the contrary, on the vacancy of any benefice occurring, this measure calls in, in the first instance, the aid of a competent, friendly ecclesiastical tribunal, to which it then adds another of gracious character, high authority, and great dignity, in order to ascertain the most advisable arrangement for the future apportionment of ecclesiastical population and territory, with a view of proportioning the income to the services rendered. This scheme is not subject to the risks which are clearly incident to any large plan to be carried into effect on an extensive scale at once and on a sudden. The working of this scheme must be gradual—it must be carried into operation slowly; no great amount of mischief can be done by it when the course of its proceeding would come under the constant cognizance of Parliament, which may interpose any remedy it thinks proper, supply any defect, remove any obstacle, and either partially or entirely amend or supersede the whole. I am not prepared to contend that in a Church establishment, in a country under the most favourable auspices, it may not be advisable that there should be great inequality of preferment. I do not deny that there are some left in Ireland to which a larger amount may be fairly and becomingly assigned; but I do hold the peculiar position and present circumstances of that country to be such, that we must make some sacrifice of feeling and opinion if we wish to preserve anything of the form and substance of the Established Church. We are not at liberty to frame and work out a system which would be consistent with our notions of an ideal establishment under the most favourable circumstances; but we must take the system which we find, and when we perceive that it stands in alarming and imminent danger of being destroyed, preserve the most we can of its essential spirit and practical benefits. The Irish Church has been compared to a Missionary Church. This measure, while it does not diminish the number of benefices, assigns to the clergy duties more conformable to the example set by those to whom they were compared. I mean those duties, the performance of which will confine them to their own appropriate circles and peculiar districts, and not permit them to harangue and to bewilder in the cities, the watering places, and even the theatres of Great Britain. I don't mean to speak in terms of censure of the clergy generally; and if any portion of the inhabitants of Ireland have a stronger interest than another in the settlement of this question, I do in my conscience believe that class to be the clergy. And notwithstanding the high ecclesiastical authority to which I have alluded in the beginning of my observations, as to my being influenced by contrary motives, when I perceived such a sore and rankling evil to remain praying on the vitals of the community, I should take regret and shame to myself if I omitted any opportunity of endeavouring to remove it. Amidst all the elements of prosperity and greatness by which Ireland is characterised, the worst symptom of disease under which she has so long suffered, still continues—namely, the religious rancour which animates the different creeds to which her inhabitants belong; and happy and fortunate beyond all the efforts of legislators, and all the skill of statesmen, will it be, when, from all her pulpits—Protestant and Catholic, Episcopalian and Dissenting—they will be ready to raise no longer any attacks or fierce denunciations of reciprocal errors, but will enter on the nobler and holier emulation of brotherly forbearance and Christian peace. And it is with these views and hopes, the hopes of contributing to such a settlement, that I now beg leave to move, "That it is expedient to commute the composition of tithes in Ireland into a rent-charge, payable by the first estate of inheritance, and to make further provisions for the better regulation of ecclesiastical duties."

Sir *Robert Peel.* The noble Lord had concluded his clear and able speech by moving a resolution, which from its terms, and the intention with which it was submitted, did not, he apprehended, involve the House, or any part of it, in the necessity of expressing its dissent by a vote. He understood the noble Lord, and the noble Lord the Secretary for the Home Department, to have declared on Friday, that the resolution to be submitted to-night was framed with a view of avoiding a hostile discussion. He understood the present motion as not pledging the House with respect to any principle, but merely to enable the Government to bring in the Bill, reserving to those who were unwilling to assent to its details an entire right of protesting, on a future occasion, against the change which it was proposed to effect. That being the case, it was infinitely the better course not to provoke a premature, and as it appeared to him, unavailing discussion, by entering into the consideration of all the topics embraced in the noble Lord's speech. Feeling a necessity of entering into a full discussion hereafter, he would wait or that opportunity; but he waived his right on this occasion, with the distinct understanding that he should then be prepared to enter fully into the whole of the principle and details of this measure, and that his acquiescence in the present resolution was not to be considered as an abandonment of the objections which he had urged to the former measure of the noble Lord. It would then appear, that in acquiescing in the present motion, he had not waived any one of the objections he had formerly urged to the measure. The noble Lord, in the course of his speech, appealed to him personally on one or two points, to answering which he should confine his present remarks. In the first place, the noble Lord asked whether the answer which had been given to his question on Friday last was considered by him as equivalent to an expression of his departure from the pledge which had been given last year respecting the appropriation of the surplus funds of the Church of Ireland. He was bound to say, that on the answer the noble Lord gave he did not put any such construction. Neither did he consider that the promise of the noble Lord to submit a mere formal resolution implied that his Majesty's Government were prepared to abandon their former principles. At the same time, he could not help feeling that there was something in the expressions used by the noble Lord that night as to the inability of the Government "to shake off" the engagement into which it had entered—there was something in the expressive and significant action with which that expression was accompanied, formed, according to the models of the ablest orators, that did convince him that the noble Lord would have fled if he could from the embarrassment of his position. The noble Lord's manner and appearance, during that part of the speech, reminded him forcibly of the graphic picture drawn by Horace, when he wished to get rid of a troublesome ally—

> Demitto auriculas ut uniquæ mentis assillus,
> Cum gravius dorsa subiit onus———

He trusted the noble Lord would not consider him as intending to apply to him any expression in the slightest degree offensive. The noble Lord could not imagine for a moment that he entertained such a meaning, when he called to mind that Horace addressed the expression which he quoted to himself. He could well believe that the noble Lord was very anxious to "shake off" the troublesome incumbrance, but he found himself in a state which rendered it impossible for him to make the attempt with any chance of success. The second reference which the noble Lord in his able speech made to him, and which he then felt called upon to notice, was to a speech of his, an extract from which the noble Lord had read. With the respect which he entertained for the noble Lord's attainments and abilities, he did feel some regret at being compelled to disown the justness of the eulogium which the noble Lord had pronounced upon him. The noble Lord had expressed a great wish to accommodate his Bill to some principles laid down by him, and had referred to a speech which he (Sir R. Peel) had made in the course of the last Session of Parliament, exulting in the prospect that, without alarming his own friends and supporters, he had been enabled to embody in his Bill the valuable suggestions which he (Sir R. Peel) had thrown out. He held in his hand the speech in question, and, as to appropriate to one's self the merits which justly belonged to another would be, manifestly, almost an act of dishonesty, he was prepared thus generously, and on the instant, to relinquish all the praise which the noble Lord had so lavishly bestowed upon him, and to give it up to its proper owners. It was quite true that on the occasion in question he had stated, in directing arguments against the Bill then before the House, that he would assume the principle of its supporters to be correct; that he would attempt to show that, in conformity with their own principles, they had no surplus to appropriate; and, therefore, the pretence of having a surplus to appropriate was only brought forward to relieve them from the pressing political difficulty in which they were involved on account of their unwise engagements. But he never meant, in the course of urging that argument, to state that it was his plan, or that if it were adopted it would afford him entire or unqualified satisfaction; and, in order to leave no doubt on the matter—to show the danger which he had had frequent occasion to point out, arising from partial quotations, he would perform the generous part which he had promised to act, and would give to the proper owners the merits which belonged to them. The part of the speech which the noble Lord had quoted, referred to the division which he (Sir R. Peel) had proposed; but before he came to that division, he had, in order to preclude the possibility of that misconception into which the noble Lord had unwarily fallen, expressly said and repeated, that he took the data of the Government. His words then were, "Now, as I have already stated, I wish to argue this question on the narrow grounds which his Majesty's Government have afforded me, I wish to discuss this measure on those principles assumed by the King's Government itself, admitting for the sake of argument those principles to be correct, and that my own views are erroneous. I take this course solely for this reason, that I can afford to make the concession, and having made it, I can show that the Ministers are, on their own principles, and with their own admissions, bound to accede to my motion. Arguing from their own evidence, I can show that there is no surplus to distribute, and, according to their own principles, therefore, they are bound not to sanction any alienation of the revenues of the Irish Church."* These observations had preceded his remarks on the division of benefices which the noble Lord had quoted, and he had afterwards said, "I may be asked why I have assumed 200*l.* as the minimum in the scale of allowance to be made to parochial ministers? My answer is, not on any vague assumption of my own, but on the facts and recorded declarations of the authors and supporters of the present Bill. The estimate is theirs, not mine. I may think 200*l.* (as I do think it) a very insufficient provision—but I am arguing throughout on the principles of my opponents, and claiming their support of my proposal on those principles. The Church Temporalities' Bill assumes that 200*l.* a year is the lowest sum which ought to be paid as a stipend to any clergyman who has the care not of a benefice but of a parish. I find that opinion confirmed by all the authorities which I have been able to consult upon the subject."† He had then referred to the authorities favourable to his division—namely, Mr. Littleton, a Roman Catholic gentleman named Finn, and Mr. Perrin; and had concluded by asking, "now have I not proved, not upon vague reasonings, not upon general assumptions, but, as I have said that I would, out of the admissions of the noble Lord and his supporters, that the House ought to allot to Ministers in benefices where there is a church or where there is a congregation of more than fifty Protestants of the Established Church at the very least 200*l.* or 250*l.* a year as the minimum of stipend."* That was the whole scope of his argument upon the occasion referred to by the noble Lord, and, therefore, the noble Lord must not expect that he had any right to claim his support, even to the limited proposition now brought forward, because he had made a partial quotation from his (Sir R. Peel's) speech. The praise which the noble Lord had given him was doubtless meant as the reward of merit, though fully unmerited; the noble Lord had too much delicacy to pass that unqualified eulogium upon his own immediate supporters; and therefore he had very skilfully given him (Sir R. Peel) the whole credit of the proposal. With a liberality proportioned to the desire which he should have had to retain the noble Lord's panegyric, had he deserved it, he now restored it to the quarter to which it belonged. In conclusion, he would repeat, that it not being his object to provoke a discussion on the present occasion, he should reserve to himself the opportunity of recording his sentiments at a future time; he would therefore fulfil the engagement which he had entered into, and abstain from referring to one detail. If he did refer to one detail he might lead to an inference that he assented to others; and wishing to take a complete view of the question, and making no concession whatever of the great principle on which he, in common with his friends, had stood on the last occasion, he would not refuse his formal consent to this formal motion, and they might have a full and unreserved discussion hereafter.

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* Hansard's Parliamentary Debates, vol. xxix, p. 807.

† Ibid. vol. xxix. pp. 810, 811.

Mr. *Bingham Baring*, in reply to the allusion which had been made to him by the noble Lord, begged leave to say, that a part of his suggestions only had been adopted, and that the noble Lord had destroyed its usefulness by embodying in it a principle of his own. Ministers seemed resolved to stop all business, unless they could induce Parliament to adopt a principle which would undermine all the property of the country.

Lord *Stanley* said, that the surplus which his noble Friend expected to have paid at once into the consolidated fund amounted to 97,000*l.*; of that sum 50,000*l.* was to be charged at once for the moral and religious education of all classes of the community. He wished, before he went further, to ask his noble Friend what he proposed to do with the balance of 47,000*l.*, which would remain unappropriated?

Viscount *Morpeth* replied, that for some considerable time to come there could be no surplus under this head. He and the Government with which he was associated, never could and never would be parties to its appropriation to any but religious purposes; it should be devoted, in conjunction with the sum of 50,000*l.* already alluded to, to the religious and moral education of the people.

Lord *Stanley* proceeded to observe, that it was his intention to adopt the example set by his right hon. Friend near him, and to abstain from entering, upon the present occasion, upon the general question before the House. Of course, he retained the whole of the objections which he had so frequently and so earnestly pressed with regard to the principle of appropriation, and he would only say, that the speech he had just heard, proved to him clearly, not only that the House had adopted the principle of appropriation unnecessarily, but that the noble Lord felt himself compelled, for the purpose of creating a surplus, to do that which he was convinced the noble Lord himself believed to be an injustice and a hardship. In the opinion that it was extremely desirable to come to a final settlement of the Church question, he entirely agreed with his noble Friend; but he could not agree with those of that House who, allowing that it was practicable to make such an alteration in the law as, while it should prove generally satisfactory, would not require any Members of the Legislature to violate principles which they held to be sacred, contended that it was far from being desirable to do so, and that, no matter how useless or superfluous the adoption of the principle might prove, it was incumbent upon the Legislature to assert the right of Parliament to deal as it pleased with the surplus, or, more properly speaking, contingent surplus revenues of the Church. What, in point of fact, was the *gravamen* of the noble Lord's argument? It was this:—"Feeling strongly as we do," observed the noble Lord, "that it is the object of both sides of the House to come to an early settlement of this question, agreeing as we do in that object, aware as we are that it is an object, in the expediency of which both branches of the Legislature concur; we, the Government, tell you that we will not attempt to reform the Irish Church, unless you acquiesce with us in the principle of appropriating its surplus revenues to such purposes as we may decide upon." And on what did that surplus depend? It depended upon the reduction of the income of every clergyman below 500*l.*, which 500*l.* was only to be earned by a close attendance upon a congregation of three thousand souls. The evil in the Church Establishment, throughout a great portion of Ireland, being the immense extent of the benefices, the noble Lord, for the sole and avowed purpose of creating a surplus, proposed to reduce the number of those benefices from 1,380, containing a proportion of souls admitted to be much too large for the due performance of the clerical duties to 1,260, necessarily containing a much larger proportion. In other words, the evil being that the clergy had too large a flock to attend to, the noble Lord proposed as a remedy a measure by which those flocks must of necessity be considerably increased. It was, however, to his mind quite clear, that if the Government left to every Irish clergyman for the support of himself and his family, and for the necessary distribution of charity among his parishioners, the miserable pittance the noble Lord proposed, the *minimum* being 175*l.* and the *maximum* 575*l.*, that the whole of the surplus upon which he calculated would be altogether absorbed. By clinging, therefore, to an imaginary surplus—by clinging to the principle of appropriation in regard to a surplus which could only be made available by the adoption of a course calculated to increase the evil of the existing system, his Majesty's Government were about taking that course which must effectually prevent the two branches of the Legislature from coming to the so-much-desired settlement of this question. How far they were justified in encountering such a responsibility—such an awful responsibility—he must term it—he must leave to themselves and their consciences to say.

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* Hansard, vol. xxix. p. 813.

Lord *John Russell:* My noble Friend, I am quite of opinion, is ready to agree in the course of conduct suggested by the right hon. Baronet, and to allow, that upon this formal motion a discussion of the general question should not take place; but unfortunately he is unable to repress his indignation at the notion of the revenues of the Irish clergy being in any respect rendered proportionate to the duties they shall have to perform. What, in point of fact, is the grievance?—that great and dreadful grievance against which my noble Friend has protested, and to which, in terms of such combined alarm and wrath, he has called the indignation of the Commons of England? Why, simply, that a clergyman having to attend to 3,000 parishioners, should not have more than 500*l.* a-year. Now let us for a moment consider what hitherto was the state of these clergymen—of that body of which my noble Friend has been so long the ardent and enthusiastic defender? What is the case as regarded those clergymen brought out by the discussions of last year? Was it not most clearly proved on the testimony of more than one individual, that in many instances there were absentee clergymen receiving from their livings 800*l.* and 900*l.* a-year, while the superintendence of their parishes was committed to a curate receiving not more than 75*l.* a-year. Sir, such was the state of things which was permitted, and continued even after the Reform of the Church of Ireland, and now that my noble Friend near me proposes, that there shall in future be some proportion between the income to be received and the duties to be performed by the clergy, up starts my noble Friend opposite, and in a speech of great brevity, but proportionate acerbity, plainly evinces that the very idea of such a proposition excites his indignation, and calls for the expression of his determined hostility. If not in words, in substance at least, my noble Friend tells us, he cannot bear that the stipend of the Irish clergy should be in proportion to the duties they shall have to perform; and so alarming in his eyes is the idea of such a proposition that he finds it impossible to wait for that discussion which the right hon. Baronet promises shall take place upon the general question—a discussion which I have no doubt, as far as that right hon. Gentleman is concerned, will be conducted with all that temper and discretion for which he is so remarkable—but, upon the occasion of a merely formal resolution, my noble Friend starts up to tell his Majesty's Government, that by supporting this alarming proposition, they are likely to endanger the settlement of the Irish Church question. Doubtless it is through a desire to show off by the force of contrast the temperance and unassuming bearing of his right hon. Colleague in opposition, that my noble Friend upon every possible occasion enacts the Hotspur of his party. It is clear he has closely studied the character, and so admirably has he caught up the picture which Shakspeare drew, that there seldom passes an occasion upon which the hot-headedness of his declamation fails to get the better of his reason, and make him diverge from that more natural course which the more prudent and less impetuous leader of his party prescribes. Upon this principle, and on this principle alone, can I account for the noble Lord's refusing to postpone his observations until the measure before the House comes to a more regular debate and discussion. For my part I shall wait for that debate. I think it is wise and prudent to reserve the discussion until we can go into all the details, and see whether or not the plan which my noble Friend proposes is feasible and proper for our adoption. Before I sit down I must say, I fully admit to the right hon. Gentleman opposite, that he did not in submitting to us the proposition alluded to by my noble Friend, offer it as a proposition good in itself, and in accordance with the principles he entertains, but rather as a proposition which, if our principles were to be adopted, was better than the proposition of the previous year. I must, however, say, I think my noble Friend near me was justified in asserting, that in one respect the authority of the right hon. Baronet was with him—conceding the principle of appropriation; a principle which I and my colleagues never wish to shrink from, or to parry—a principle which we think it both wise and proper to maintain, because it is one on which we believe the future happiness of Ireland must depend. Conceding, I say, the principle of appropriation, I maintain my noble Friend was justified in appealing to the former speeches of the right hon. Baronet to show that as far as his opinion went, the plan we now propose is wiser than that we formerly contemplated. I do not further wish to enter into this discussion, nor should I have at all risen upon the present occasion, but that I felt it was incumbent on me not to leave the manner in which the noble Lord's observations were delivered, unnoticed.

Lord *Stanley* did not rise to reply to any of the noble Lord's *Hotspur* allusions, which had clearly resulted from the quotation he had made some evenings past, but which he had long since dismissed from his recollection. He only rose to observe, that the noble Lord had completely misstated his argument. He was far from objecting to an appropriation of the revenues of the Church, in proportion to the duties performed, to the clergy. All he had meant to say was, that for the purpose of establishing a principle, which it was probable would never be called into operation, his Majesty's Government were materially embarrassing a question upon the speedy and satisfactory settlement of which so much depended.

Mr. *Finch* wished to know whether the surplus revenue was to be applied to the religious and moral education of the Protestant community exclusively, or of the community generally?

Lord *Morpeth:* It is to be applied to the moral and religious education of all classes of the community without distinction of sect.

Mr. *F. Buxton* wished to know whether, in the event of the increase or the extension of the Protestant religion in Ireland, any provision was made for the proportionate increase of the Church Establishment?

Lord *Morpeth* replied, that power would be given to the Privy Council to meet such an event.

Mr. *Finch* asked, if he was to understand from the noble Lord's reply to the last question, that if in a parish where there were now but 300 or 400 Protestants, the number were to increase to 600 or 700, the Privy Council would be empowered to proportionally increase the number of clergy?

Lord *Morpeth:* Certainly. The Privy Council will have power to make provision for such a case.

The resolution was agreed to, and the House resumed.

The Report was brought up, and a Bill founded on the Resolution was ordered to be brought in.

REGISTRATION OF VOTERS.] On the Motion of the Attorney General, the House resolved itself into a Committee on the Registration of Voters Bill. Several clauses were agreed to.

On the reading of the 39th clause, which enacts that persons may be subpœnaed as witnesses before the Courts of the Revising Barristers.

Mr. *Aglionby* suggested, that instead of the parties being obliged to apply at the Crown-office of the Court of King's Bench, Westminster, for subpœnas, the Revising Barristers, or some other authority on the spot, should be empowered to issue subpœnas; he also wished to affix a limit to the sum to be paid for the subpœnas. The charge for a subpœna out of any of the Courts of Westminster was eightpence, being a penny to the stationer for its blank form, and sevenpence for getting the subpœna passed at the Seal Office; and there was nothing in this Clause to prevent the parties being charged seven shillings, instead of sevenpence.

Mr. *Grote* did not understand why there should be any charge at all for subpœnas. All that was required was the signature of the Revising Barrister, the town-clerk, or whatever other officer should be empowered to issue it.

The *Attorney-General* was willing to consider the suggestion of the hon. and learned Member for Cockermouth, and undertook to introduce the necessary alteration in the clause on the bringing up of the Report.

The clause was assented to.

On clause 44 (allowing revising barristers to award costs in cases of frivolous objections to claims) being put.

The *Attorney-General* said, that this was one of the most important Clauses of the Bill. It went to empower Revising Barristers to award costs against parties making frivolous and groundless claims to be registered, and against persons making frivolous and groundless objections to claims. He had struggled for such a provision when the Reform Bill was first under the consideration of the House, but it was declined by the noble Lord (Althorp) who had charge of that Bill. It could not be denied, that frivolous claims and objections had been made, and taken by parties on both sides, and therefore he anticipated there would be no objection to the Clause.

Mr. *Kemp* expressed a wish that there should be introduced a provision into the Clause, which would prevent any part of the 10*l.*, the amount fixed for costs by this Bill, from going into the pockets of counsel or attornies.

The *Attorney-General* said, he could relieve the hon. Member from any difficulty in respect to counsel, inasmuch as counsel were expressly restricted from practising before Revising Barristers. He (the Attorney-General) objected to the prevention of attornies practising, because on a question so important as the elective franchise a man had a right to employ legal assistance; and if that assistance was made necessary by groundless, and frivolous objections, the party ought to be entitled to his costs.

Mr. *Warburton* thought, that a difference ought to be made between objections made to new claims, and objections taken to votes already on the register, as otherwise, under dread of costs, parties would be deterred from making claims.

The *Attorney-General* moved the addition of a proviso, to the effect that the Revising Barristers should have no power to award costs in any case where the objection was made to a person claiming for the first time to be inserted on the register.

Sir *James Graham* opposed the proviso. He saw no reason why there should be a distinction made between a first claim and a vote already on the register.

Mr. Sergeant *Wilde* was opposed to the whole Clause. He objected to any such discretion being placed in the hands of Revising Barristers—a tribunal the most unsatisfactory and incompetent that ever was established. Judging from what had been the course and practice hitherto of Revising Barristers, the result of these new powers would be, that a claim or objection which might be held to be frivolous in the county of York would be held otherwise in the county of Devon, and *vice versa.* The effect would be most mischievous, and the result would be that no new claims would be made.

The Committee divided on the proviso; Ayes 109; Noes 98; Majority 11.

Amended Clause agreed to.

On the 47th Clause being read, prescribing how the expenses of the Clerk of the Peace and constable are to be paid,

Mr. *Aglionby* proposed an amendment to provide compensation to the Clerks of the Peace for the loss of time occasioned them by the business of registration.

The *Attorney-General* opposed the amendment. There would be no means of taxing the charges of Clerks of the Peace.

After a short discussion the Committee divided on the Amendment; Ayes 47; Noes 135; Majority 88.

Clause adopted, as was the following Clause.

House resumed; Committee to sit again.

The other Orders of the Day were then disposed of, and the House adjourned.

HOUSE OF LORDS,

Tuesday, April 26, 1836.

MINUTES.] Bills. Read a third time:—Writers to the Signet Fund Bill.

Petitions presented. By H. R. H. the Duke of CUMBERLAND, from Dublin, against the Municipal Corporations' (Ireland) Bill.—By Lord WHARNCLIFFE, from Kingston-upon-Hull, against the Municipal Corporations' (Ireland) Bill.—By several NOBLE LORDS, from various Places, for the Better Observance of the Sabbath.—By the Duke of NEWCASTLE, from Halifax-place Chapel, Nottingham, against Sunday Trading.—By Lord CLONCURRY, from Belfast, and from Bangor, in favour of the Irish Municipal Reform Bill.—By Lord GODOLPHIN, from Wisbeach and Roscrea, for the Repeal of the Duties on Newspapers.—By Lord LYNDHURST, from the Attorneys of Alcester, Carmarthen, and the Inhabitants of Stratford-upon-Avon, for the Alteration of the Ecclesiastical Courts' Consolidation Bill relating to the Probate Duty on Wills; and by the Earl of WESTMORELAND, from Newport, for an Alteration of the Law relative to Beer Shops.—By the Duke of CLEVELAND, from Sunderland, in favour of the Municipal Corporations' Act Amendment Bill.—By Lord SEGRAVE, from Gloucester, praying that the Administration of Criminal Justice in certain Cases may be transferred from the Jurisdiction of the Magistrates in their Local Districts.—By the Marquess of LANSDOWNE, from Limerick, in favour of the Municipal Corporations' (Ireland) Bill.—By Viscount MELBOURNE, from various Places, in favour of the Municipal Corporations' (Ireland) Bill, and for a Reduction of Taxation, Household Suffrage, and Vote by Ballot.

MUNICIPAL REFORM (IRELAND) COMMITTEE.] Viscount Melbourne moved the Order of the Day for their Lordships to go into Committee on the Municipal Reform (Ireland) Bill.

Lord *Fitzgerald* and *Vesci* said that, considering the great importance of the subject on which he was going to address their Lordships, no one more deeply felt the difficulty of the situation in which he was placed. He certainly should have approached the task which he had undertaken with a great deal more hesitation, if he had not been aware of the effect produced by the appeal, still unanswered, which had been made to their Lordships by his noble and learned Friend (Lord Lyndhurst) when this measure was last before them—an appeal still fresh in their minds —an appeal still uneffaced from the memory of their Lordships. He relied greatly on the conclusive arguments which had been adduced by his noble and learned Friend, and he entertained a confident hope that the luminous and powerful exposition of his noble and learned Friend would render it less necessary for him to claim their Lordships' attention for any considerable length of time. His first wish was to endeavour to imitate the only point in which he could hope to succeed, the tone of moderation adopted by the noble Viscount opposite, in the speech with which he introduced this important subject to their Lordships' consideration. Though the noble Viscount avoided many topics which he conceived might with propriety have been noticed, he was bound to say, in justice to the noble Viscount, that he did not introduce into the discussion any matter of an unpleasant or irritating nature. He felt that this course was on the part of the noble Viscount a prudent and a wise one. Few men, looking to the Report which had been laid on their Lordships' table, a Report which inculpated individuals and bodies, could have refrained from touching on points of a painful nature. But the noble Viscount placed his recommendation on general grounds of policy, and not on the conduct or proceedings of individuals. In that respect he meant to follow the example of the noble Viscount, which in his opinion ought to be generally pursued. It was not his intention, therefore, to introduce topics that were calculated to give rise to irritation, or to provoke asperity: for he was ready, on his own part, and on the part of others, to concur in the general principle on which the Bill was founded; and there was no necessity for him to enter on the defence of individuals whose names and whose conduct had not been introduced or mentioned in the preceding discussion. Before he entered on the immediate subject of discussion, there were one or two points on which he wished to make one or two observations, connected as they were with what passed on the former occasion. The first point was one which he was very anxious to notice, on account of the personal allusion made to him by the noble Viscount. The noble Viscount had stated that the Bill came recommended on the part of the Commissioners of royal inquiry, against whom, so far as the noble Viscount had heard, no imputation had ever been cast, whose conduct was not questioned, the correctness of the conclusion of whose Report was admitted by those who were most opposed to it, and whose statement had not been impugned, except by one petition, which had been presented by a noble Lord on that evening. The reference thus made, on that occasion, by the noble Viscount, was made to him in consequence of his having presented a petition from the Corporation of the county of the town of Drogheda against the Bill.

But although he stated, on their part, that they not only did not decline inquiry, but that they courted investigation into the management of the corporate funds, although he stated that they claimed for themselves the right to show that they had not abused the trust reposed in them, and that they expressed an anxious hope that an opportunity would be afforded to enable them to prove that they had complied with the terms on which the funds were confided to their care, still it should be remembered that he did not recommend any such proceeding, because he understood that no person was anxious to continue the existing system. He had, therefore, alleged nothing against the Commissioners. Indeed, having had more than one opportunity of seeing how the gentlemen employed on the Commission conducted themselves, he felt that he had not the least reason to complain of the manner in which they had deported themselves. In consequence of a family connection with more than one borough he had tendered his evidence to the Commissioners of municipal inquiry, and he was perfectly satisfied with their courtesy and their candour as well as with the whole spirit of their proceedings. He had been compelled to detain their Lordships for a few moments on this point, because he felt it necessary to state what his sentiments were with respect to it. There was another part of the observations of the noble Viscount to which he should now refer. The noble Viscount had said, that there was no necessity to go into a history of the objects for which the Irish Corporations were originally created, because they were not only inefficient to effect the objects that were originally contemplated, but that a system had grown up which totally disqualified them from being in any respect useful. He, however, thought, that before they proceeded to the immediate matter of discussion for to-night, it would be well if they attended a little to that subject. He would say, "let us look to the original constitution of the Irish Corporations. Let us not deceive ourselves by the general clamour that has been raised against them, and the blame that has been cast on them." No man could say but that the Irish Corporations were created for purposes totally distinct from those of the Corporations in Great Britain—that the objects to be answered by each were not the same. Looking to the means given for the attainment of those objects, it was only justice to those who preceded us, and to those who were now corporators, to examine and to point out what really were the objects to effect which those corporations were first instituted. It was plain, if they looked at the Report, and still more evident when they compared the fact with history, that those Corporations were first planted to induce English settlers to establish themselves in Ireland, in order to supply the want of English law and of English civilization in that country. The charters were originally directed to the King's English subjects resident in Ireland. The first charter was directed "To the King's citizens of Bristol resident in Dublin." That was the charter of Henry 2nd, in which he was styled Fitz-Empress, and was given after his first invasion of Ireland. One of the first duties of these Corporations was to keep watch and ward against the native Irish. Recollecting, as he did, what the state of Ireland was up to the reign of Queen Elizabeth—recollecting, that all the Lords of the Pale were then Catholic—recollecting, that all the property of Ireland was then Catholic—recollecting, also, that in settling Ulster the object was to create Protestant Corporations, in order to create Protestant ascendancy in Ireland, he was surprised to hear it asserted, as it had been asserted elsewhere, that these Corporations had not been created for Protestant purposes. A decisive proof of the purposes for which the Corporations of Ireland were created, was to be seen in that portion of the Report which related to the Corporation of Londonderry. The franchises granted to the corporate boroughs were confined to electoral and parliamentary franchises. The Report showed to what an extent that principle was carried. The borough of Longford or Granard, he forgot which, was granted to the Earl of Longford of that day in a charter which gave him, a Peer of Ireland, the power of sending two burgesses to the Irish House of Commons. It had been said, that Protestant ascendancy could not have been the object contemplated on the creation of the Irish Corporations, because, at the time of their creation, Catholics were eligible to Parliament and office was open to them. Now it was exactly because Parliament and office were accessible to Catholics, that those who wished to have English ascendancy in the Irish Parliament created these new Corporations. In one of the histories of Ireland, the two parties into which that country was at that time divided, were distinguished as the English party and as the Recusant party. A great effort had been made in the Irish House of Commons by the latter party to resist the admission of the Representatives of the newly-created boroughs. On one occasion, there was a bitter struggle between them respecting the choice of Speaker. Sir John Everard was the candidate for the Speakership, supported by the Catholic party, and Sir John Davis was the candidate supported by the Representatives of those boroughs who were strongly characterised in a remonstrance of the Catholics of that day addressed to the Throne. Sir John Davis, however, was confirmed by the English or Government party; and he could not mention his name without noticing that he was distinguished both as a lawyer and an historian, while he was one of the most impartial statesmen ever seen in Ireland. To him, Ireland was indebted for many improvements in her laws and her polity. He had gone into these details to show that, however defective the constitution of these Corporations might now appear, still their character and constitution and the avowed object for which they were established, parallel much of what their Lordships were disposed to condemn. The noble Viscount had, therefore, acted with great propriety, and with prudence in not raising up or re-affirming all those imputations against the Corporations which the opportunity might have suggested. The noble Viscount has referred, with justice, to that act of the Irish Parliament which, by relieving from the obligation of residence the members of corporate bodies, made the Parliamentary franchise itself the absolute property of individuals and of families. He alluded to the Act introduced by Mr. Ponsonby (commonly called the Newtown Act), by which residence was dispensed with altogether. The character of corporate property was still further affirmed—(he vindicated it not)—by the last Act of the Parliament of Ireland, giving compensation to individuals for the franchise which they possessed. Again, he vindicated it not; yet, let him observe that, as the first was a measure which no one at the present day would dream of proposing, so the latter, which no Minister would now dare to suggest, and no Parliament would, for an instant tolerate, was yet the means by which the Act of Union, which could not otherwise have been carried, was at last successfully accomplished. Having adverted to these points, with a view to disembarrass the question of considerations which were not regularly before their Lordships, he should proceed to the proposition of the noble Viscount, and apply himself to the arguments by which it had been recommended. He would state to their Lordships his grounds of dissent from that part of the proposition which was alone debatable at present, and should lay before them suggestions for that plan which, in the opinion of himself and others of his noble Friends, was better calculated to meet the necessities of the case. Admitting, then, to the full extent the evils which the noble Viscount had enumerated—not being desirous to shield anybody from the responsibility which ought to belong to all public functionaries—being desirous to abolish and abrogate for ever that state of society in which the people of Ireland now lived, and which created civil jealousy, religious animosity, and political excitement,—he wished to avow his readiness to participate in extinguishing for ever the existing Corporations of Ireland. Whatever doubt there might be as to how far the delinquency of the Corporations was established, no man, whatever were his prejudices, had ventured to defend the continuance of the exclusive system which those Corporations fostered now that Catholic Emancipation had been conceded, and had been followed by the measure of Parliamentary Reform. His friends, as well as himself, were prepared to go with the noble Viscount to the full extent of the abolition of the existing Corporations. He, therefore, hoped it would not be said, either in that House or elsewhere, that they had been found either deaf or unwilling to the reform of abuses. Still, in joining the noble Viscount in the first part of the reform which he called for, and in joining him in applying a remedy to the vices and misfortunes of the exclusive system, and to the unfortunate spirit which was generated by it, he thought that they had a right to ask the noble Viscount not to create under his system of reform a new ascendancy, not to institute a new system as exclusive as the old,—not to build up a fabric full of danger, exposing the community to still greater mischiefs and terror than those to which it was at present liable. Having stated this as the ground of the course which he intended to pursue, he now approached the proposition of the noble Lord. If the noble Viscount had contended that in the present state of Ireland municipal government was the best form of government that could be applied to that country, and that for the pure administration of justice, for the good government of the police, and for the proper discharge of the high functions of administrative bodies, it was the most effective mode of government that could be adopted, he might, perhaps, have had some difficulty in resisting that proposition. If there were not peculiar circumstances in the social and political situation of Ireland, he should say, that for the proper administration of the functions of justice and police, if you could guard against the undue influence of passion and prejudice, no system was so sound and safe as that of municipal government. He freely admitted that the principle of allowing the people to administer their own affairs was a just and valuable principle. But had the noble Viscount told their Lordships that this system of municipal government was the best that could be adopted for the people of Ireland? No; quite the reverse. The noble Viscount had stripped them of all powers strictly municipal. The noble Viscount had told their Lordships that he would not confide to the people of Ireland the administration of justice among themselves. The noble Viscount had told their Lordships that he did not think it prudent, and therefore not safe, in a country so full of excitement as Ireland, to confide to the people the function of administering their own regulations of police. He had not, therefore, any argument to meet on either of those two points. But it had been said, "You must give Ireland municipal institutions, because the chief advantage of those institutions is, that they make cities prosperous and communities flourishing." In reply to that argument he would say, "Look at Manchester and Birmingham. Go forth to the new municipal boroughs in this large metropolis." Did they prove that municipal institutions were necessary to the prosperity of cities or to the wealth of communities? Look also at Belfast, from which a petition had been that evening presented. It had a corporation doubtless—it was one of those created by King James for Protestant purposes, and till the Reform Bill passed, it certainly exercised franchises not very acceptable to the town at large. And yet that corporation of thirteen was not granted to the people at large, but to the constable of the castle, and he was not certain whether it was not granted to the Lord Deputy Chichester by the Deputy Lord Chichester himself. The corporation of Belfast had for years been nominated by the Lord of the Castle. It was a municipal institution in nothing but name; and yet that town had risen to a degree of opulence and respectability greater than that enjoyed by any other port or borough in Ireland. Supposing, however, for the sake of argument, that the noble Viscount had proved that municipal institutions were necessary to the good government of Ireland, there was another proposition which he was also bound to establish—and that was, to show that if municipal bodies were to be created, the provisions of the Bill were those best suited to the country to which they were to be applied. He thought it but fair, as a preliminary explanation, to say, that those who resisted this Bill were bound to show that in the present state of Ireland, looking at its moral, political, and social condition, municipal government was not that best suited to it, and that, even if it were, this Bill was not calculated to give it a good system of municipal government. In showing that, they would also be able to show that this Bill, so far from applying an effective cure to admitted evils, would aggravate all those which existed already, and would create several new ones. He had given all the attention in his power to the speech in which the noble Viscount introduced this measure; but he had watched in vain for any attempt on the part of the noble Viscount to show that municipal government was the best government for Ireland. The noble Viscount had said that he would apply to Ireland the same principles of government which he applied to England. He must deny, on the principles of the noble Viscount himself, the wisdom of that proposition. It was not, in his opinion, the duty of a wise statesman to apply practical legislation to any country without reference to the practical results of the principles on which he proceeded. You should not merely show that there would be no danger, but you ought also to show that there would be great advantage derived from your legislation. If one might be permitted to inquire on what principle this Bill proceeded, he had no doubt that the noble Viscount would reply that it proceeded on the principle of similarity. The advocates of the measure in another place had contended that that was a complete justification of the course pursued by Ministers on this question. Now he would ask, what was the answer that had been given to such an argument by the legislation of the noble Viscount himself? If similarity was the principle on which the noble Viscount proceeded, why had he departed from the English Bill as to the powers given to these corporations not only in the details, but also in the principles applicable to the administration of justice and to the regulations of the police? The noble Viscount had told their Lordships that it could not be denied that there might be such a difference in the circumstances of two parts of the same empire, that the system of municipal government applicable to one of them could not be applied to the other; and then the noble Viscount admitted, that Ireland differed from England as to the temper of its population, as to the state of its civilization, and as to the state of the church. "Ireland," said the noble Viscount, "had in consequence a police under regulations very different from those of England, and practically a system of government which had no existence in this country. But," continued the noble Viscount, "though there might in some respects be great differences between the two countries, there were also great points of resemblance, and those points of resemblance overbalanced the points of difference. The two countries were both under the same Parliament; they were both under popular control; they were both subject to the same legal mode of procedure; they were both under the same system of trial by jury; and they were both under the same unlimited freedom of the press;" and therefore the noble Viscount implored their Lordships once and again to reflect that the points of resemblance were much greater than the points of difference. It was not a little remarkable that the points of resemblance on which the noble Viscount vindicated his proposed legislation were the constitution, the courts of justice, the trial by jury, and the freedom of the press, all which were created by law; but that the points of dissimilarity were all in points applicable to this Bill. They consisted in the temper of the population, in the state of civilization, and in the state of the church. Now, if a candid man were called upon to judge of the qualifications which would enable the people to discharge properly the functions of municipal authority, what would be the most likely qualifications to enter into his consideration? Would he say, that their qualifications consisted in their having a constitution, courts of law, trial by jury, and freedom of the press? and would he exclude from his contemplation their temper, their state of civilization, and their feelings on that unhappy question, which blends with and embitters, and is at the bottom of, all their other feelings—namely, on the state of the church? He asked their Lordships whether the noble Viscount had made out his case, and whether he had established his point, so far as this Bill was concerned, that the points of resemblance overbalanced the points of dissimilarity? There had been laid before their Lordships, within these few days, the opinion of a body of men on a question which was of more importance to the population of the country for which they were about to legislate than any other. It involved the principle of relief to the poor. That document was second to none in the interest which attached to it. He referred to the third report of the Poor-law Commissioners; the passage to which he alluded was as follows:—"It has been suggested to us to recommend a poor law for Ireland similar to that of England, but we are of opinion that the provision to be made for the poor in Ireland must vary essentially from that made in England. The circumstances of the two countries differ widely, and legislation, we submit, should have reference to circumstances as well as to principles." He used the same language as those able and acute Commissioners; he thought that "legislation should have reference to circumstances as well as to principles;" and if he had succeeded in convincing any of their Lordships that the points of resemblance did not counterbalance the points of non-resemblance between the two countries, he had a right to avail himself of their opinion to justify his resistance to the proposition of the noble viscount. He must once more repeat what he had said before—that he was ready to abolish the existing corporations, and to withdraw from all irresponsible, and, what was worse, from all self-elected bodies, the power which for centuries had been vested in their hands. Was that a niggard or a paltry application of reform? And ought the people to be told, either that night or hereafter, when their resolution should be carried into effect, that the Lords were an obstacle to every efficient, salutary, and searching reform? He asked of their Lordships to consider the peculiar social circumstances of Ireland. In referring to those circumstances, he wished particularly to guard himself from any expression which might be offensive to any individual. He was not then going to re-argue the Catholic question. The votes which he had given upon that question he was prepared to defend, and to give over again, if occasion required. But having done what justice demanded, he cautioned their Lordships not to blind themselves to the consequences which must ensue, if, under the pretext of doing justice to the Catholics, they did injustice to the Protestants of Ireland, and involved them in serious dangers of new creation. Could any man who had witnessed the feelings which had prevailed in Ireland within the last few years, caused in the first instance by the denial, and afterwards by the concession, of the Catholic claims, and since increased by the measure of Parliamentary reform following so close upon it—could any man, he said, who had contemplated the state of society in that country, in which religious and political animosity prevailed, not only in every public, but also in every private and social, meeting, haunting men at every step, following them into the very sanctuary of their homes, and mixing itself up with all their domestic transactions—could any man who had seen all this say that it was either prudent, politic, or safe to adopt a measure which gave to one party an absolute and uncontrolled ascendancy? But their Lordships were told, that they were bound, in spite of the existence of this excitement, which all admitted to be an evil, though they differed as to the extent of it, to give to Ireland a new system of municipal institutions. Their Lordships had been asked this question:—"Do you think, that because you withhold from the people of Ireland the right of meeting in a corporate character, you will therefore put down agitation in a country where the press is free, and the people claim the right of meeting in public to petition for a redress of grievances?" He admitted, that to a certain extent the noble Viscount's argument was just; he admitted, that where the press was free, and discussion frequently took place in public, you could not prevent the existence of political agitation. But, because the law permitted the existence of it at present, did the noble Viscount therefore mean to say, their Lordships ought to increase the facilities for generating that political agitation? Ought their Lordships to call into being a municipal constituency, unchecked by the possession of either property or intelligence, and unqualified for control by their religion and their want of education? Was it the duty of Government to give to such a constituency such powers as this Bill contemplated? If their Lordships looked in detail to the boroughs for which this Bill provided Corporations, and to the amount of population they contained, and if they calculated upon data which, though not very accurate, were still an approximation to the truth, what the number of electors in each of these boroughs would be, would they allow it to be contended, as the noble Viscount contended, that they ought to create such Corporations, to be elected annually by such a constituency, with an annual rotation of officers, and a continual canvass carried on by a self-styled liberal club or caucus of the most turbulent electors? Would they admit the argument, that they ought to permit such means to be adopted to increase political agitation, merely because that agitation could not be prevented were such Corporations not to be called into being? He would now ask their Lordships to consider what were the rights withheld from the people of Ireland under the proposition which his noble and learned Friend had dimly shadowed out on a former night, and which he (Lord Fitzgerald) was going to explain to their Lordships more fully that evening. What right was withheld from the people of Ireland by that proposition? None that he was aware of, unless, indeed, the noble Viscount were going to contend, as he understood had been contended elsewhere, that to have municipal institutions was the natural right of man—an assertion to which he should merely reply, "Sir, your reasoning is very ingenious, but pray look to Manchester and Birmingham." The noble Marquess (Lansdowne), on a former occasion, had referred to a speech which Mr. Pitt had made in favour of the union between the two countries, and had said, that the resistance to this measure was contrary to the policy laid down in that speech, which went upon the perfect equality of the two countries. The noble Marquess had, however, forgotten to cite one of the lines quoted from Virgil on that occasion by Mr. Pitt. Mr. Pitt commenced the quotation with the words—

> "Non ego nec Teucris Italos parere jubebo,"

and then proceeded with the other lines which the noble Marquess had quoted—

> "Nec nova regna peto—paribus se legibus ambæ,
> Invictæ gentes æterna in fœdera mittant."

Mr. Pitt did not mean to say any thing about the inferiority of the terms granted to Ireland in the compact between the two countries. When taunted with the inequality of the representation of the two countries, he said, "Confide in the representatives of a great nation—confide in their sense of justice. 'Non ego nec Teucris Italos parere jubebo.'" But when the noble Marquess made such quotations, he (Lord Fitzgerald) must beg leave to call upon him to define what he meant by them. What did the noble Marquess mean by "paribus legibus?" Would the noble

Marquess tell him what he understood by this parity or uniformity of law? If by "pares leges" the noble Marquess meant that all Irish subjects ought to be equal in the eye of the law, then he would reply, that the law distinguished not between the Catholic and the Protestant subjects of his Majesty, and that it gave no immunities to one which it denied to the other. If such, however, were the meaning of the noble Marquess, was not the proposition of his noble and learned Friend better calculated to accomplish the object which he had in view, even than the proposition of the noble Lord at the head of the Government. The proposition of his noble and learned Friend (Lyndhurst) was, that all classes of his Majesty's subjects in Ireland should be placed on a footing of equality. Whilst we abolish one system because it is exclusive, we are not willing to create another which is to be equally exclusive, but in another direction. If the object of both sides of the House were to put an end to ascendancy, which project is most entitled to support—that which gives the elective franchise to one great party exclusively, or that which asks protection for the Protestant, and endeavours to prevent him from being made the victim of an exclusive system? "Pares leges" indeed! He would ask the noble Marquess, who assumed this motto of "pares leges" for his badge, whether, if any person were to introduce into Parliament a Bill for assimilating the police of England to that of Ireland, he would still stand by his uniformity of law in both countries? Would he not say, "God forbid that any such measure be enacted for England! it is uncalled for, it is unjust, it is unconstitutional. He asked the noble Lord, if they legislated upon the principle of parity of laws when the Protestants of Ireland were denied the assistance of the police in enforcing their rights, when it was with difficulty that that force was allowed to carry into execution the edicts of the superior courts? It was admitted that the Protestants of Ireland were a minority of the population, and the noble Lord dealt harshly on that account with the property of the Protestant Church. But when the Protestants demanded that protection to which a minority was always entitled, the noble Lord returned to his first proposition, and talked of the principle of "pares leges," as interpreted by himself, for the basis of his legislation; and, after dealing in an unequal manner with the Protestant pastor and his Protestant flock, satisfied himself that it was thus that an equal union was effected—thus that

> "Invictæ gentes æterna in fœdera mittant."

He would beg to draw their Lordships' attention to another observation of the noble Marquess which had also been made in another place. It had been said, that the measure of the noble Lord opposite was a great act of justice required for the peace and happiness of Ireland; that the powers it proposed to confer would not be abused, but if they were, that Parliament would not have abrogated its legislative rights; that they had it in their power to resume those powers, and to repeal the Act so far as regarded them. Now, he would ask the noble Lord if he thought it would be fitting, or that it would be possible, on account of the misconduct of individuals, or the abuse of power of which they might be justly accused, to resume a power conferred from great public principles and on large communities. He should like to see the noble Lord make the experiment. He did not think the noble Lord would have courage to make it; and if it were made, he should be himself the first to maintain, that if the system were not in itself vicious—if there was no exclusiveness or delinquency to be charged upon it, the power had been given as a public trust, and ought not to be taken away on account of the individuals who might happen temporarily to be invested with it. Although he might have little to add to the clear statement made by his noble Friend, yet as he proposed to examine some details of the Bill of the noble Lord opposite, he would lay before the House the heads of the scheme which he deemed preferable to it. It was intended by those who concurred with him in the necessity of reform to agree to the proposition of the noble Lord for abolishing all the existing Corporations, after the 18th of January, 1837. They coincided in the provisions of the noble Lord's Bill for preserving the rights of freemen as to property, and also as to the elective franchise; and they further proposed in addition to these provisions of the noble Lord, that the claims of freemen should be determined by the assistant barristers in their courts. They agreed with the noble Lord, that the administration of justice, and the appointment of officers connected with that administration, should not be confided, in the peculiar situation of Ireland and in the present state of her society, to the Town-councils. They, therefore, concurred in the alteration made by the noble Lord opposite and his colleagues in the Bill, as originally proposed in the House of Commons—an amendment not forced upon them by any hostile course in another place—not the result of any victory, nor carried by any majority against them, but admitted in deference to the arguments by which their first proposition was met. They had rightly determined that sheriffs and magistrates in counties of cities and counties of towns should be appointed, not by the Town-councils, but by the Crown. It would be proposed to their Lordships that Commissioners should be appointed by the Lord-Lieutenant, in whom corporate property, and property held in charitable trust, should be vested. It was proposed by the noble Lord that those persons who, as members of Corporations, were engaged in the management of charitable trusts, should continue to hold them in their individual capacity, although they might have ceased to be members of the new Corporations. He was not sure, that the proposition of the noble Lord was not better than that now made, and if it were the feeling of others that it should be retained, he should not propose that the Commissioners for managing corporate property should be the same as those for charitable trusts. With respect to these trusts, it had been suggested to him that they might be committed to the care of the board of charitable donations in Ireland. But he at once admitted that that Board being composed of prelates of the Established Church, he had not thought it fit to call men from the duties which properly belonged to their station, as such an appointment might give rise to suspicion and complaint. He thought there were other reasons why it was desirable that the power should not be confided to them. He should propose that power should be given to the Commissioners of corporate property to take into their hands all the corporate revenues, and to appoint local Commissioners in those places where funds existed for the purpose of applying it to those objects to which it was applicable. It would be provided that reports should be made to the Lord-Lieutenant on the state of corporate property, on the means of paying off debts, and on the probable surpluses; power would be given to sell off lands, and invest the proceeds in Government funds; to report all unnecessary offices, and appoint compensation for them; and the Lord-Lieutenant would be empowered to act on these reports. The next provision related to a subject of the greatest importance, not merely to local interests, and to the prosperity of particular towns, but to the peace of Ireland. The Commissioners, it was proposed, might, with the consent of the Lord-Lieutenant, abolish tolls, if the revenues of the Corporation afforded adequate security to creditors. The local acts with relation to police would be continued; the powers with respect to police, now given to the Corporations, or any portion of them, would be discontinued, and in cases where no local acts were in force, the general Constabulary Act would apply. The exclusive criminal jurisdiction would be continued in counties of cities and towns. It was proposed that the Lord-Lieutenant should have the power of appointing, with the advice of his Privy Council, separate Quarter Sessions in any town. The Crown would have the appointment of a recorder, who should be sole judge at Quarter and Borough Sessions, and also hold civil bill courts. Where none existed, provisions would be made for the fulfilment of these duties by the assistant barristers. The Lord-Lieutenant would have the appointment of clerks of the peace. The powers of the statute 35th George 3rd, would be extended, and the number of assistant barristers increased where there was no recorder. The courts of conscience would be preserved, and the judges appointed by the Lord-Lieutenant. The provisions of the Act, 9th George 4th, would in all cases be continued. It was proposed that all the proceedings of the Commissioners with respect to corporate property should be annually laid before Parliament. He conceived that these propositions answered all the objects proposed to be attained by the Bill of the noble Lord, and in a much more effectual manner. He would claim for it that it would give rise to none of that suspicion and jealousy to which the measure recommended by his Majesty'sGovernment would infallibly lead. It was proposed to give to the Crown, or to the Lord-Lieutenant and his advisers, powers equally ample with those conferred by the measure of noble Lords opposite. He believed that, acting on his own responsibility, any man at the head of the government, of any government, might be trusted with such powers. At all events they preferred the responsibility of a public Minister—the situation which the Lord-Lieutenant, or those under him, might hold, to the irresponsible, transitory, illusory system which would arise out of such a scheme of Corporation Reform as that brought forward by the noble Lord opposite. The statute 9th George 4th, gave a power, under certain provisions, to the inhabitants of the Irish towns to assemble and elect Commissioners for the purpose of performing all the local duties which the Bill of the noble Lord assigned to the new Corporations. Having thus stated, generally, all the provisions he should desire to see introduced, he would now draw their attention to some of the details of the noble Lord's Bill, and would endeavour, as shortly as he could, by a reference to some of its chief provisions to show how inapplicable and injurious was the plan of the Ministers. The noble Lord, in introducing his Bill, had stated to the House the points of difference between this measure and the law of Municipal Reform which had last year received the sanction of Parliament. But the noble Lord had not adverted to the difference between the Bill on the Table, and that which the Attorney-General for Ireland introduced to the House of Commons. Some of these differences were remarkable. As originally intended, the town-council had control over the harbour dues, and similar charges. This was objected to, and the authors of the Bill felt that it was better not to commit this control to the town-council. Then, as to sheriffs, objection was made to their being elective, on the ground that those who had the summoning of juries ought not to be influenced by party motives—ought not to be the nominees of a party. The Ministers felt that they could not maintain, and they therefore abandoned, their own proposition. Next came the police. In England the Corporations had all the management of it, and the first Bill of the Government proposed to invest the town-councils in Ireland with a portion of the same authority. But this would hardly do, for the Constabulary Bill was going through along with their Municipal Reform Bill; and while the power which they professed a willingness to leave to the Corporations was withheld, in their Constabulary Bill, from the magistracy and gentry of the country, they could hardly maintain an inconsistency so flagrant. The police were thrown over along with the sheriffs, and all essential authority was equally given up; the argument of the mover of the Bill was abandoned along with the leading provisions of his measure, and the appointment of a watchman, as far as he was aware, was all that was left to these public bodies, from whom the Minister and his supporters claimed that they should be invested with all the immunities and all the powers which were intrusted to Corporations in England and Wales. So much for the difference between the Bill on your Table and the Bill introduced to the House of Commons. He had next to notice what the noble Viscount had professed to consider the difference, both as the Bill stood then and now, between it and the Bill enacted for England. The first discrepancy to which he felt anxious to call their attention, was one passed over very carelessly and even lightly by the noble Lord—that relative to the franchise. The noble Lord said, that in the eight principal towns of Ireland they had determined to adopt a 10*l.* qualification; but that if they had fixed on the same standard in the remaining towns, the constituency would have been so limited that the system would not have partaken of the character of popular election. Now he would ask the noble Lord how he knew this? With respect to some of the towns, there was a difference of statement in the number of electors so remarkable as to tempt one to ask how it arose. A return had been made of the number of persons who had registered themselves with a view to the Parliamentary franchise, but there was no return of the number of 5*l.* houses. He defied any man to calculate to what amount the 5*l.* constituency would extend. The House knew, that in thirty towns of Ireland, the noble Lord had adopted a 10*l.* qualification for the Parliamentary constituency, and yet he told them that the adoption of the same standard in all those towns as the municipal qualification would limit the constituency too much. Their Lordships were told, that the number of registered electors in those towns being less than was estimated at the time of the passing of the Reform Bill, they must guard against a deficient constituency in the new municipalities; and the town of Lisburn had been quoted as a proof of the insufficient number of qualified and resident electors. Why, my Lords, what an instance was that. First, the *5l.* qualification was the Parliamentary franchise in the town of Lisburn. Next, if the inhabitants had not registered there, it was a proof of their attachment to the noble person under whom all the property in Lisburn was derived, and against whose influence there, no contest or canvass had ever been attempted. But look to the great majority of the boroughs, and what would this *5l.* constituency be? In England the 10*l.* qualification was limited by enforcing a term of residence for three years, while in Ireland six months only were required. Here, then, was a point in which there was no public principle involved, and where uniformity might have been preserved; and, for the purpose no doubt of elevating the constituency, the noble Lord dispensed with three years, and required only six months. Would not the adoption of the *5l.* municipal franchise place a powerful and dangerous argument in the hands of any one who contended that the Parliamentary qualification ought to be reduced to the same standard? He did not mean to impute any such design to the present Government, but he did not see how they could well resist such an appeal. He knew, too, that such an argument was used upon the Scotch Reform Bill—he meant the Borough Reform Bill, where a *5l.* qualification was contended for, and was resisted, lest it should be a precedent for the lowering of the Parliamentary franchise. It had been remarked in another place, that the word "office," introduced into the clause of this Bill which fixed the qualification, was not to be found in the English Bill. The answer was, that it was really to be found in the Act of last year. But in the present Bill it was admitted, though the constituency was reduced to *5l.*, and he entertained no doubt that the fact of retaining it would be to degrade the character of the electors. The measure before their Lordships proposed that a power of incorporation should be given to the Crown, not, as in the English Bill, on the application of the majority of the inhabitants of a place, but of any two, three, or four persons in a town, and that the wishes of the majority might be completely disregarded. Surely, then, the noble Lord would not propose to introduce such an enactment as this into the Bill. The amount of population sufficient to entitle any borough to a Corporation under the present Bill was 2,000, a scale which might have the effect of creating 125 new boroughs in addition to fifty appointed by the existing Bill. As to the importance of reconstructing Corporations in Ireland, it was proper that their Lordships should have in view the objects of administration contemplated by the present Bill. First of all came the question of corporate property. It appeared from the Report, that the whole income of the Irish Corporations was about 33,000*l.* a-year, the greater part of which was derived from tolls. That was exclusive of the city of Dublin. The whole property of the boroughs enumerated in schedule B did not amount to more than 10,000*l.* per annum, including ten boroughs, some of which had no revenue, whether arising from tolls or from property. The third Schedule contained twenty-one boroughs, six of which had no income. Of six more boroughs, the aggregate income did not amount to 60*l.* a-year, leaving only nine with property to be administered. The whole revenue of the twenty-one towns of Schedule C. amounted only to 1,500*l.* a-year, the larger portion of which was derived from tolls; and for the administration of this trifling sum it was intended to create twenty-one Corporations, with a full complement of town-councillors and public functionaries. He would ask, then, if every thing proposed to be accomplished by the Bill of the noble Lord could not be effected with much greater safety and simplicity by the scheme he (Lord Fitzgerald) proposed? Of these twenty-one last-mentioned there was not one which possessed an exclusive jurisdiction. In no one was a separate provision made for the police, and all the duties of that body were performed by the constabulary force of the country. It would, perhaps, be inquired what were the duties to be performed by the Corporations thus reconstructed, and he confessed that of necessary and useful purposes he did not know one that would not be more effectually attained by the enactments of the statute 9th George 4th, which had already been proved to be sufficient for such objects. He might, perhaps, be told that any objection to the *5l.* franchise was unreasonable from one who proposed to adopt that Act, but he begged to remind them, that its provisions were confined strictly to lighting and watching the towns. Were these limited powers to be compared with those of a Bill which provided for annual elections? Was the Board of Commissioners appointed under the former measure to be compared with a body of persons clothed with a municipal title, having the right of assembling in town-halls and settling questions of local Government, and representing their opinions to this House as those of persons in important offices? Was there any analogy between these cases? It was found that in almost all the towns contained in Schedules B and C the provisions of the 9th George 4th., were carried into effect at the solicitation of a minority of the inhabitants, who wished to improve the town, even at a small expense to themselves. But if this were the case with respect to an Act whose machinery was so little liable to the charge of being cumbrous and expensive, what must be the practical working of this measure, which proposed to create a borough rate, and levy an assessment that would press very hard upon the inhabitants of a small town? He apprehended that this Bill would not be quite so popular in such places when it was better understood, because it could not but be admitted, that in very few of these towns were there any means available at all for defraying, he would not say the expense of the machinery of this Act, but even that of the 9th George 4th, one great advantage of which was, that it was not compulsory, but permissive. He conceived that the universal demand had been for the abolition of the old rotten Corporations, but he could not see there had been any loudly expressed desire for the adoption of the details of the noble Lord's measure relative to the reconstruction of those Corporations. It was worth while also to remark, that there might be great inequality in bringing into operation the provisions of the Bill. The county of Wexford had a population of 182,000 souls, and under the Bill there would be four corporate boroughs in it. In eight other counties there would only be the same number of Corporations, and if these were to be regarded as advantages or constitutional blessings, the population of the counties amounted to 2,100,000. There would be but three boroughs in the whole province of Connaught. He did not blame the promoter of the measure for this inequality, which arose out of the principle of reconstructing only those boroughs which had formerly possessed Corporations, but was it not a recommendation of his plan that it did not apply in this partial manner? It was not at all limited by the circumstances of ancient boroughs, for the 9th of George 4th, was applicable to any place, whatever its extent, that called it into action, and was willing to submit to the rate imposed by it. He wished particularly to draw their Lordships' attention to the subject of tolls, which was inferior in importance to none connected with the measure. These vexatious and onerous taxes interrupted the prosperity of towns, and impeded the operations of business. They frequently gave rise to riots, breaches of the peace, and bloodshed, and no one system was so fatal to the peace of the country, and so pregnant with mischief. In Corporations where the property was heavily mortgaged, it would be impossible to abolish them without making adequate provision to satisfy demands upon the revenues of the town. But he thought there could be no greater blessing to the population than the extinction of tolls, whatever might be the result of his proposition, or of that of the noble Lord. But it was plain that a commission would be most likely to adopt beneficial regulations with regard to tolls, as the local bodies were interested in the income they derived from that oppressive source. The subject of tolls, be the fate of the present measure what it might, he pledged himself, if no other person should do so, to bring again under the consideration of the House. Having thus stated the grounds of preference which had induced him to recommend the proposition he offered—that it was simple,—effectual,—safe,—was it necessary to vindicate it from the charge of innovation or destruction ascribed to it by the noble Viscount? The noble Viscount was pleased to acquit the noble Duke (Wellington) and a right hon. Gentleman, a distinguished Member of the House of Commons, (Sir Robert Peel) of being its authors. The noble Lord ascribed it to men more young,—more rash,—less guided by that safe policy and cautious prudence which distinguished the noble Duke and his right hon. Friend. He claimed for them, however, that they were responsible for the course pursued by the opposition, and that the right hon. Baronet who had been referred to, while, as the debates in Parliament shew, he had the concurrence of those whom the noble Lord described as young—intemperate,—rash,—had yet not acted without a deliberate investigation of the subject, nor without a full consideration of the state of society in Ireland,—after communication with the representatives of Ireland,—with individuals and with public bodies, qualified to offer dispassionate advice,—and after the existing Corporations had consented to sacrifice their exclusive privileges and to abrogate their authority for ever. To this they consented for the sake of terminating the ascendancy complained of, though they denied that it was the ascendancy of faction; but, consenting, they yet implored those who advocated their cause in Parliament, not to transfer to others an ascendancy of which they, in their turn, would have a right to complain. In offering themselves as a sacrifice—in consenting to the abolition of corporate rights, which had been for centuries enjoyed, they did—and do ask—that in place of them should be created a system of equality, under which they, too, may be protected, and enjoy the benefits of equal law. But the measure which the Opposition offered, bore, said the noble Viscount, the mark of its author, and the character of rash and violent advice. He had no right to vindicate the noble person who had been not indistinctly referred to in this temperate censure. That noble person had been more fitly justified on a former night by a noble Earl (Ripon), who, in vindicating the absent, asserted his own consistency. That noble Earl had shown how little the imputation was deserved which had been cast by the Minister of the Crown upon his late most distinguished colleague. Who, said the noble Viscount, was most likely to be the author of a measure proposed in the other House of Parliament, which he described as precipitate and violent? Who was the man portrayed? A noble Lord, the brightest ornament of the Cabinet of Earl Grey—who sat as the Minister for Ireland in that Cabinet, along with the noble Viscount—who seceded from that Cabinet because he could not give his assent to measures of precipitancy and violence—who had been the most influential and able supporter of that great measure of Reform on which they who survived him as Minister, rested their fame—of one who was compelled to leave them when they attempted to deal with the Irish Church on principles which were then only darkly hinted at, but which had been since boldly avowed, principles to which they were compelled to adhere, in consequence of an engagement they could not shake off. He had not the honour of an intimacy with the noble Lord; he presumed not to answer for him; but the day might come when he would successfully vindicate himself,

Turno tempus erit, magno cum obtaverit emptum
Intactum Pallanta.

And when the noble Viscount would wish that he had reserved in his quiver the shaft he had launched against him. He had heard it said, that they who objected to this Bill ought to go further, and be prepared to repeal, not only the Catholic Emancipation Act, but also the Reform Act. That objection had been already, in the place where it was first made, battered to pieces. He would ask, on what grounds it was that the Question of Catholic Emancipation was defended? He was aware that on this subject he was speaking in the hearing of many of his noble Friends who differed widely from the noble Duke, and from a right hon. Gentleman in another place, as to the introduction of that measure, who differed from the authors of that measure which levelled all religious distinctions, and admitted a whole people to constitutional rights and equal laws; yet the authors of such a measure had been spoken of as having narrow views, and as following a too tardy policy. He knew that many of his noble Friends had opposed that measure, but he knew also that the remembrance of that difference had passed away, and many noble Lords who differed from the noble Duke and the right hon. Gentleman on that question, were now restored to their full confidence, and they looked to the noble Duke and the right hon. Gentleman as the best and surest supports of constitutional principles. They had not forgotten the grounds on which that right hon. Gentleman defended the introduction of the Catholic Bill. It was that one class of his Majesty's subjects should not have privileges from which another class should be excluded. He might be told, that it was the object of this Bill to put Protestants and Catholics on a footing of equality; but he would reply, that being, as they would be, in all these Corporate towns in a minority, they would be excluded from any share in the management or control of Corporate affairs.

He begged noble Lords to recollect, that Catholics had been free to enter Corporations in Ireland since 1793, but they had been virtually excluded from them, though he did not justify it by those who had the power of election, and it made little difference whether inflicted by the law or by the people through the law allowing them. The House should bear in mind that by this measure not only would power be taken from one class, but it would be given exclusively to another. Above all, they should recollect, that they took power from that class in which there was a great portion of the property of the country as well as its intelligence, and who were most fit to be trusted with the local government, and they would give it to an exclusive class liable to the most serious objections, and possessing little property and not much knowledge. He felt strongly the force of this argument; but he was still more impressed with the correctness of his opinion on the subject, when he considered the increase of power which had been given to the body of the people by the Reform Bill. It was on this ground, that he dreaded the creation of such a power as this Bill would give, and the placing it in the hands of a dominant majority. He objected to it because he believed it would tend to perpetuate political and religious domination—because it would create never-ending agitation, instead of that peace and harmony amongst all classes which it was the duty of every good Government to support; and it would generate disorders which every Government ought to put an end to. But there were other circumstances to be considered as signs of the times which tended to render the power about to be conferred on those Corporations still more dangerous. Amongst these he might mention that measure which had not long since been introduced in the other House of Parliament. He was aware of the delicacy of adverting to the proceedings in the other House, but on this occasion he was relieved from any scruples, by having the fact to which he was about to refer mentioned in the published votes of the House of Commons. From those votes he perceived, that a proposition had been made by a right hon. Friend of his in the other House to reduce the Stamp-duty on newspapers from its present amount to one penny on each paper. He knew that, in the earnest desire to suppress unstamped papers, many individuals were sent to prison for vending the latter; but he believed that the public feeling would have gone much more in favour of those individuals, had the character of the papers themselves been more worthy of public estimation. He found that his right hon. Friend in the other House proposed to reduce the duty to one penny on each paper, and he had since learned that an appeal had been made to his right hon. Friend from Ireland, to have the Stamp-duty on newspapers in that country reduced to one halfpenny—an appeal which it was probable would be successful. Perhaps, from old fiscal recollections and prejudices, he might be disposed to continue the tax; but looking at the subject, not merely as a fiscal regulation, there were circumstances connected with this change which he could not view without some alarm. When he considered the character of the papers, which, under the almost total removal of the Stamp-duties, would be brought to bear as powerful auxiliaries in aid of the new Corporations—considering that 100 or 200 of those publications might be established to support what would then be the popular, the dominant party, he owned he could not look at the proposed change without some degree of alarm. He knew that this remission of duty was intended to give general satisfaction to the public, but he believed that it would fail in doing so to those who were most interested in the removal of the tax, and he could easily conceive why—for, on mere fiscal grounds, there was no objection which could be made to a tax of *5d.* on a paper that might not with equal force be applied to the tax of 1*d.* Perhaps it might be asked, what connexion was there between the Bill before the House, and the tax on newspapers? He would in a few words show to their Lordships, that the two subjects were not unconnected, and to show it, he would venture to quote from a letter of an able public man. That respectable individual would not, he was sure, blame him for thus publicly using his letter, as it had been given by himself to the public without any reserve. He had the less scruple in doing so, as the hon. Gentleman to whom he alluded was one of the most stern and uncompromising character in the expression of his opinions of public men and public measures, and who never affected to conceal what he thought of either. The letter to which he alluded, was from the hon. Member for Middlesex, [*Is it Mr. Byng*?] He thought, that when he had mentioned the "stern and uncompromising character" of the hon. Gentleman in the expression of his political opinions, he had sufficiently designated the man; but if noble Lords did not recognize the description in those terms, he would state, that the hon. Member to whom he alluded was Mr. Hume. That hon. Gentleman had received an application from the town of Roscrea, deprecating the continuing any Stamp-duty on newspapers, and adding, that if the tax was to be reduced to a penny in England, it ought to be reduced to a halfpenny in Ireland. Now, as an Irishman, he would not object to this, though, as he was reminded by his noble Friend near him, it did not fall strictly within the line of the *pares leges;* but passing that, the hon. Member for Middlesex, in his reply, described the conduct of the Government on this occasion of the Newspaper-tax as "paltry and pitiful." "Such conduct," continued the writer, "from avowed Reformers, shows one or other of two things—it shows either their ignorance, as statesmen, of what would tend to the interest of the many, or that they are not sincere in their professions as to Reform. Such men as are at present placed over, and whom circumstances oblige us to support, show their inconsistency, in thus leaving any shackles on the press." The next passage which he was about to quote, would show the connexion between the repeal of the Stamp-duty on Newspapers, and the Bill then before the House. The writer went on to say, "I know the policy of the United States in this respect, and please God, when we get the Irish Corporation Bill passed, and some other Reforms, we shall talk to them in the House of Commons in a very different strain." This extract, he was sure, would justify him in calling the attention of their Lordships to the connexion between the Bill then before them, and the reduction of the Newspaper Stamps. He knew, of course, that the noble Viscount (Viscount Melbourne) opposite, did not adopt such opinions, but the noble Viscount must feel, that there were some who gave him their support in Parliament, but who still felt, that his policy was on too narrow a basis; and when the noble Viscount next rose, he would find, that he would have to go somewhat beyond his present point, in order to please the parties to whom he alluded. There were many other topics connected with the subject before their Lordships, on which he was disposed to touch, if he were not afraid that he had already trespassed too much on the indulgence of the House, though he hoped he had not abused it. The question before their Lordships was one of the highest importance, and there were many important considerations to be weighed, before they should adopt the plan proposed by his Majesty's Government. The noble Viscount recommended this plan as one which would put an end to the heart-burnings, and the excited feelings of those who had long been excluded from any share in the municipal government of the towns and cities of Ireland. In these respects, the plan which he and his noble Friends proposed, did not yield to that of the Government. They also went to the reform of existing Corporations, and where did they stop? They stopped at that point where the noble Viscount would confer considerable powers on the Corporations, though the actual duties they had to perform were comparatively unimportant, and might be performed by a much more simple machinery. My Lords, said the noble Baron in conclusion, I know the history of my country, and am aware that it is stained with many a bloody page. I wish to see its troubles cease, and that peace and improvement should take place of discord and derangement, which I know cannot be accomplished amidst continued agitation and excitement. But let me say, that while you are asked by the noble Viscount, in the name of Ireland, to give to it the blessings of those new Corporations, I ask of you, in mercy, to adopt our plan, and to give to Ireland repose. The noble Lord concluded by moving, "That it be an instruction to the Committee, that they have power to make provision for the abolition of such Corporations, and for such arrangements as may be necessary, on their abolition, for securing the efficient and impartial administration of justice, and the peace and good government of cities and towns in Ireland."

The *Lord Chancellor* was anxious at that early period of the debate to address their Lordships on the motion of the noble Lord. He had intended to have done so on the other evening, when his noble and learned Friend (Lord Lyndhurst) propounded the principle of the amendment in the speech which he addressed to the House, but he thought it better to wait until the matter came forward in a more regular form, and for full discussion; as the opportunity had now occurred he was anxious to avail himself of it. Disguised as the proposition might be by the noble Lord—explained as it had been on a former night by his noble and learned Friend, it involved principles which it behoved their Lordships solemnly to consider. The House was called upon by it to abolish all the Municipal Corporations in Ireland, and to hand over the administration of their affairs to the management of others. He knew that it was proposed that the property of those towns should be directed to the same purposes as it now was; but was there no intention to take the management of it from those who had it, and hand it over to others who had not some interest in the places? The noble Lord said, that he was anxious to discuss the question with the greatest moderation, and he certainly did so in the early part of his speech, but in the latter part of it, where he described the persons who he supposed would have the greatest credit in the direction of the corporate towns under this Bill, he departed from his intention, but he would not follow the noble Lord in the deviation from the rule which he laid down, by going into the inquiry as to whom belonged the credit or discredit of having made the first suggestion of the amendment now before the House. To him it made little difference who originally suggested the proposition. He had only to deal with it as he found it. The noble Lord had thought it necessary to go at length into the history of the Corporations in Ireland. There could be no doubt that the Corporations of Londonderry and Colerain arose from the circumstance of establishing an English settlement in the north of Ireland. No doubt, those Corporations were formed for facilitating this object. The same circumstance might apply to other places, but it was quite immaterial to the general argument. The noble Lord himself admitted, that since 1793, they had been thrown open, and that all the inhabitants of the corporate towns, without reference to their religious tenets, had a legal right to become members of the Corporation. The inhabitants of the towns, however, were divided into corporators and non-corporators, not because the law gave an exclusive privilege to any portion of his Majesty's subjects; not from any law or right; and the system of exclusion which existed before the change of the law continued, because those who were in the possession of power refused to share it with their fellow-citizens. Was it not, then, a mere mockery to tell the Catholics of Ireland that the Corporations were open to them—that they were open by right as well as law, while the exclusive system was allowed to remain in operation? He did not ask whether it was possible that the framers or supporters of the Act of 1793, by which Catholics were admitted to Corporations, intended that it should be executed. It was intended to remove the grievances of which the Catholics then complained, and it was impossible for any person to imagine that such was not the intention of the Legislature. In every corporate town in Ireland, all classes had since that period a right to share in corporate rights and privileges, though the Corporations, by their system of self-election, had remained as exclusive as they were under the law. There was no novelty, then, in the proposition which was now made, for it was only practically carrying into effect what was intended in 1793. The government of these towns now rested in the corporators, not, however, for themselves, but as trustees for the inhabitants of these towns? These persons held the property of the Corporations, not for their own exclusive benefit, but only for the benefit of the inhabitants at large. No man who had read the evidence in the Report of the Commissioners but would admit, that in the administration of the property and the possession of the government of these towns, the grossest abuse and corruption prevailed. The state of things was such as to call imperatively for the reform of the Corporations in Ireland. All parties agreed that a change must take place; no one had risen to defend the existing Irish Corporations. They came, then, to the remedy. A measure had been prepared by his Majesty's Government which had received the sanction of the other House, and which he was satisfied would remove the grievances complained of, and afford an efficient cure. No cure or remedy, however, would be afforded, if they adopted the amendment of the noble Lord. Their argument was, the patient will prove troublesome if you restore him, therefore put him to death. Before, however, such a prescription was followed, noble Lords should be satisfied that no milder remedy would be successful. The noble Lord had endeavoured to show, that the proposition he had made was not essentially different from that inserted in the Bill before the House, as the object of both was to abolish the present exclusive system. So far he agreed; but the one plan cured and restored, the other killed and destroyed the Corporations—curing and killing the patient. In the Bill, it was proposed to preserve all rights and properties which were now in Corporations. He said all rights and properties, because both the rights and properties vested in the population at large, and were only held in trust for them, at least for those who it was intended should be benefited by it, by the Act of 1793. It left all rights untouched, correcting certain abuses which had grown up in the administration, and it placed the whole under the control of popular election, whilst the plan of the noble Lord and his friends would take them wholly from that control, and vest all the property in the Crown. Their Lordships would require a strong case to be made out before they thus interfered with corporate rights—rights which might have been acquired by royal grant, or by purchase, and to which the Corporations had as good a title as any of their Lordships to their estates. It was no slight matter to abolish those rights, unless a sufficient cause for it were made out, which had not yet been achieved. The idea that the proposition of the noble Lord did not go much beyond that contained in the Bill appeared to him extraordinary. The noble Lord said, take away from the Corporations all rights, and let them cease to exist; and the noble Lord laid great stress on the fact, that the present Corporators were willing to surrender their privileges, provided the Corporations were abolished; but were those for whom they hold them willing that they should be surrendered. He did not think that they deserved credit for offering to surrender usurped privileges in despair, when they found that they were no longer able to retain them. They wished, indeed, not much to their credit, to destroy the Corporations altogether, when they could hold them no longer. The noble Lord had made an addition to that which seemed to be the leading argument for the amendment formerly urged by his noble and learned Friend. His noble and learned Friend appeared to attach great weight to a casual sentence which fell from the hon. and learned Member for Dublin; and the noble Lord had to-night, added to that another sentence which fell from the hon. Member for Middlesex. If these sentences of the hon. Members were to be duly appreciated, they ought to be taken in conjunction with the rest of the speeches of the hon. Member, and with the circumstances under which they were used. He had never heard of the letter of the hon. Member for Middlesex until that night, but the observation of the other hon. Member he had heard, though he could not conceive what reference it could have to the principle of the measure. The proposition of the noble Lord was to abolish all Corporations, and take from them all their property, and give it for administration to persons not connected with the places. In his opinion, this was not a very likely way to promote peace and tranquillity in these places, or prevent that agitation which was the assigned reason for proposing the plan. Was it now to be argued that Catholics were less fit to be admitted to Corporations now than in 1793? Why had they been excluded since? Because they were Catholics; and how was that exclusion kept up? By a mode which constituted the grievance reasonably complained of. The cause of this grievance had been the power of self-election, which, wherever it existed, produced grievances of the worst description. The existing mode of election was a bar to all responsibility, preventing all investigation into the conduct of the members of the Corporations, rendering them responsible to no man, and giving them the power of electing themselves. This system occasioned great and grievous evils. What was the obvious remedy? To abolish the system of self-election, and to place the election of the members of the Corporations in the hands of those who were interested in the property intrusted to their management. The inhabitants of the towns were interested in the due administration of the corporate property, and the due exercise of the corporate rights, and to them the Bill intrusted the power of election. The remedy just met the evil, and no more. The cause was obvious, and the cause was removed the moment this correction was applied. This was the measure; it was simply this. Details were undoubtedly both necessary and unavoidable, but this was the general principle of the Bill; and if this principle were not to be acted on, a sufficient reason for departing from it must be advanced by those who opposed it. Ever since the year 1793, had not the principle of all parties been, to relieve the Catholics from their disabilities, to admit them to the privileges of free citizens, to invest them with the rights they ought never to have been deprived of, and to put them upon a par with their fellow subjects? The Act of Union with Ireland had proceeded on this ground; the Catholic Relief Bill had proceeded on this ground also. But the noble Lord who had spoken, said, that this was of all others the very reason why the Catholics should be excluded from their rights. If they laboured under their old disabilities, said the noble Lord, the danger would not be half so great. [Lord Fitzgerald expressed his dissent.] He was very sorry if he had misunderstood the noble Lord, and he could assure him that it was quite unintentional. He certainly had understood the noble Lord to say, that the danger of intrusting the Catholics with these rights was rendered greater by the Act of Union, but as it appeared that he had not comprehended the noble Lord's meaning, he would pursue the subject no further. He had adverted to the principle upon which all parties had acted since the year 1793; he had adverted to the Act of Union and to the Catholic Relief Bill, for the purpose of showing the degree of confidence Parliament had placed in the Catholics. This was the principle on which all their legislation had proceeded. Parliament had found, that the great evil of Ireland was, that it was not governed as an integral part of the empire, that the Catholics had real grievances to complain of, and that they had a right to be considered as members of the same community with the Protestants. Upon these grounds they had been admitted to Parliament; upon these grounds they had been invested with civil rights; and yet now they were met with the solemn warning, "Trust not the Catholics with the election of a councillor; and above all, do not let them vote for an alderman or mayor." It really came to this after all: there was no other objection made, no other danger apprehended. Catholics were at present intrusted with civil rights, Catholics were eligible to sit in that or the other House of Parliament, and yet they were to be prevented from voting for a mayor or an alderman, and this notwithstanding the undisputed and indisputable fact, that from the year 1793 down to that moment, the great evil had been admitted to be, that they were practically excluded from a fair participation in the rights of Protestants. Now, was there any consistency in this? Was this legislating for Ireland on the principle on which they had legislated in times past? Let their Lordships look to the results of their own practical experience. He spoke not of individuals in Parliament; but when they were told that because the great majority of the population of Ireland were Catholics, therefore Protestants would be excluded from the Corporations, he begged them to look to the returns of Members to the House of Commons, and judge whether the result of the Parliamentary elections in Ireland justified this apprehension. When they knew that the great majority of the population of Ireland were Catholics, and when they found that a considerable number of Protestant Members were returned to the House of Commons, what conclusion could they arrive at but this, that admitting Catholics to the rights of Protestants had not a tendency to encroach upon the privileges of the latter, and was not handing over the rights of the Protestants to the Catholics? and yet on the assumption that such would be the tendency and effect of the measure, was the proposition of the noble Lord who had just sat down, alone attempted to be supported. It was said, that there had hitherto been a system of exclusion on one side, and that, if that Bill were passed, there would in future be a similar system of exclusion on the other—that the Catholics were the great majority, that the Protestants had hitherto kept out the Catholics, and that, if that Bill were passed, the Catholics would keep out the Protestants. Now, if this were the argument, as he apprehended it was, their Lordships had, at least, some means of judging whether such was likely to be the result of the experiment. They had the election of Members of Parliament, and another and a closer test, the election of Commissioners under the Act of 9th Geo. 4th, the great majority of whom, it appeared, were Protestants. They were elected by the very same men who it was proposed should exercise the right of electing the town-council; they were the occupiers of *5l.* houses in towns, and possessed at this moment precisely the same motives and the same reasons for excluding Protestants from being Commissioners, as they would have if the Bill were passed for excluding them from being councillors. These were the persons who it was proposed should administer the corporate property, and preside over the local rights; these were the men who were to preside over the watching, paving, and similar local wants. And yet they found that the majority—the large majority—of these men were Protestants, although, at this moment, they were elected in towns where the majority of the population was greatly in favour of the Catholics. Now, here were two good tests; and was it not apparent that the Catholics either did not or could not exclude the Protestants, but that there was a fair balance on the one side and on the other? Was there any reasonable ground for supposing, that under the proposed law a contrary result would take place? And yet it was on the mere supposition that a contrary result would take place, that the noble Lord contended for the adoption of his proposition. It followed from the very constitution of the existing Corporations, and the fact of their electing themselves, and never appealing to the mass of the people, that those who once gained possession of them retained it. They had got into the hands of the Protestants, and they had taken care, with the exception of a very few instances, to exclude the Catholics; but, under the proposed measure, they would be open to all the inhabitants. The elections would be as open as the elections for Members of Parliament—as open as the elections of Commissioners, under the Act to which he had referred. The apprehension of the result alluded to by the noble Lord was not justified by any reasoning *a priori*, by analogy or experience; and he, therefore, contended that it could not fairly be anticipated. The measure proposed by the noble Lord was one of great extent and vast magnitude. It amounted to no less than the annihilation of the existing Corporations, and the transfer of their property. To justify such a proceeding, an exceedingly strong case, indeed, must be made out; to proceed on light grounds would be the height of impropriety and injustice. It was unjust to interfere with the rights of property, and it was unjust to interfere with corporate rights. Unless a case of imperative necessity were made out, and it was clearly shown that such interference was for the public benefit, they should not be touched. Not many nights ago, when the question of the disfranchisement of a single borough was before their Lordships, his noble and learned Friend (Lord Lyndhurst) expressed a very strong opinion, in which, without going to quite so great a length as the noble and learned Lord, he fully concurred. The noble and learned Lord stated, that where the question at issue was the disfranchising individuals of the right of electing Members of Parliament, not only did it require an extremely strong case, but that he would not trust to evidence when before another tribunal, and that he felt bound to hear the evidence adduced, in order that he might satisfy himself that the disfranchisement proceeded on just and legitimate grounds. The noble Lord said this in the case of a particular borough, proceeded against for an alleged misapplication of the elective franchise, in converting it into money. In the present case, not one individual borough, but 100 Corporations were in question; and their Lordships were called upon to deprive them of their corporate property, on the ground that certain alleged evil was likely to ensue from permitting them to retain it. He believed there was no dispute about the fact, that the corrupt or erroneous management of these Corporations had been such as to call for legislative interference; but he intreated their Lordships to remember, that there was a very wide difference between correcting an evil by substituting another authority of a similar, though improved description, and destroying the authority altogether, and transferring its powers to an entirely different jurisdiction. If, then, no case had been made out in favour of the proposition of the Noble Lord; if, so far as the experiment had been tried, experience had proved it to be successful, and if there were no necessity established before their Lordships for adopting that which must, at all events, be considered as an extremely violent measure which nothing but absolute necessity could justify, let him call their Lordships' attention to the supposed policy of the proceeding. He repeated, that their Lordships had no right to interfere with the property of Corporations, unless some strong necessity were proved to exist; and that, at all events, such a measure required the strongest demonstration before they could be called upon to give their assent to it. Where was the evidence of that necessity upon which their Lordships were asked to resort to this extreme proceeding? They were asked to adopt it simply on the ground that the proposed Bill might possibly give an additional share of undue influence to the Catholics of Ireland. Beyond all doubt, where one description of persons formed a large majority of the population, provided religion were made the ground of difference between the parties, the exclusion would be on one side, and the large number would have the preponderance. Yes; but their Lordships were called upon to assume that the question would be Catholic or Protestant, the one religion or the other, and that the Catholics being in power, and being the majority, would exclude the Protestants; all this was mere assumption. What reason was there for supposing such would be the fact? On such an assertion as this, their Lordships were called upon to place Ireland on a different footing from either England or Scotland. The remedy had been applied in England, the remedy had been applied in Scotland: in both cases their Lordships considered the evil one which admitted of cure—in both they had applied the remedy by legislative enactment; but when the case of Ireland came under discussion, they were told not to attempt it, but to annihilate the Corporations at once and for ever. Was this placing Ireland on an equality with England? Was this the mode in which their Lordships hoped to conciliate Ireland? Was this their way of keeping faith with Ireland, after holding out to her the pledge and promise that she should be treated as an integral part of the United Empire, and should have equal rights and equal laws with England? It was not a mere refusal to extend to Ireland what had been given to England and Scotland, but it was actually taking away from her an advantage she had enjoyed—he meant the benefit of municipal institutions. The question at issue really and in fact was, whether that House would proceed to deprive Ireland of the right which the Crown had conferred upon her in former times, and which the Legislature had since guaranteed. The noble Lord had alluded to the original establishment of the Corporations of Ireland, and he had said that they had been devoted to particular purposes, instead of being intended to promote the welfare of the whole. Why, it was this circumstance that rendered the Bill before the House necessary at all; and if Ireland had not participated in the advantages of municipal institutions, if she had not derived as much benefit from her Corporations as might have been expected, the fact was to be attributed to the circumstance alluded to by the noble Lord. It was strange that a proposition should be made to that House to abolish municipal institutions throughout Ireland, when the whole scheme of European civilisation, from the earliest period down to the present time, had been to promote and encourage them? The Corporations were the means by which the power of the nobles was originally restrained. They were the means of restraining the power of the nobles when that power was injuriously exercised against the Crown and the people. They were the means by which the powers of the Crown had been restrained when they were exercised injuriously to the interests of the people; and they were the means by which the rights of the Crown could be protected and preserved. It was supposed that the existence of Corporations in Ireland would increase political agitation in Ireland. No other ground of opposition to the Bill had been stated. But it if did not necessarily arise, that an extension of corporate rights would increase agitation, where was the argument in favour of the proposition of the noble Lord? He apprehended that the experience of all mankind was in direct opposition to it. Was it from a population exposed to violence and commotion—was it in a state of society where the people were expected to be excited from time to time, and to act with violence, that they considered it expedient to take away any connecting link between them and the governing powers? Were the people likely to be turbulent when they had Municipal Corporations? or, were they not much more likely to become so when their meetings would be held without any responsible magistrate to preside over or organize their proceedings? In a corporate town, the persons of the greatest weight, property, and influence would be found in the municipal offices. If any disturbance took place, if any political meeting were called, these were the persons who would be on the spot, and who would preside. Would it be safer to leave an excitable population without any persons to regulate their proceedings or to enforce order, or provide them with the means of legally meeting. Another reason for the proposed annual elections being beneficial, and of their not being productive of the danger which was apprehended from them was, that they would divert the attention of the people; there would be the elections for their Mayors and Aldermen, and local matters constantly passing before them, which would divert their thoughts from those political matters to which they would otherwise be alone directed. It appeared to him this was a complete mistake in point of policy, and that if the object were to prevent the population of Ireland from becoming turbulent on general political subjects, it could not be better secured than by enabling them to express their opinions and give utterance to their feelings on local matters. Before their Lordships proceeded to do what the noble Lord required of them, let them be well satisfied that it ought to be done; let them not interfere with the rights of property, unless they felt assured that the public interests, the public safety, and public justice required it. He could not conclude without observing, that in all the arguments which had been addressed to the House by the noble Lord in favour of his amendment, there was one great and manifest inconsistency. They were told that the Bill itself vested the Corporations with very few powers, and that, in point of fact, the amendment called upon them to do very little. If that little were unjust, however, why should they be called upon to do it at all? The House was called upon to deprive those Corporations of their rights by force, and to take away their chartered property by force; and yet the argument on the other side was, that the Bill of the noble Viscount had left them almost powerless. If the House were called upon to intrust the Corporations of Ireland with increased powers in the appointment of Sheriffs or Magistrates, there might be some ground for the noble Lord's argument; but he must again repeat, that after the Catholics had been intrusted with the highest civil rights, he could not understand why they were not to be intrusted with a voice in the election of Mayors or Aldermen.

Lord *Abinger* wished he had been enabled to arrive at a clearer understanding of the meaning of his noble and learned Friend, for it appeared to him that at the commencement of his speech he had made a very great confusion between "Corporations" and "towns." His noble and learned Friend professed very great alarm at the notion of stripping a Corporation of its property. Why, did not his noble and learned Friend know, that when one Corporation was abolished and another erected in its place, one Corporation at all events must be deprived of its property? His noble and learned Friend sometimes, in the course of his speech, considered the Corporations as having property in their own right, and at others as holding it in the character of trustees for the towns to which they belonged. If their property was their own, his noble and learned Friend had no right to deprive them of it; it was a measure of mischief, and the creation of new Corporations was no remedy whatever. If, on the other hand, they were trustees for the towns at large—a proposition, by the bye, in which he did not entirely concur, but he would assume it for a moment, as his noble and learned Friend, in his alternations, had stated the proposition—if they were trustees for the towns, and had not satisfactorily executed their trusts, it was a mere question of policy whether you should appoint a new set of trustees by the nomination of the Crown, or by a Parliamentary Corporation. Again; his noble and learned Friend said, that it was a violent measure to abolish the Corporations. So it was. He admitted it was a measure which nothing but necessity could justify. The question then resolved itself into one of necessity. Now he supposed it was agreed on both sides of the House, that there was a sufficient argument of necessity to justify the abolition of these Corporations; but he begged to state to the noble and learned Lord, that the moment he consented to do this he passed the Rubicon; and that erecting a Corporation of another kind was no remedy at all. He would simplify the case, by reducing it to a single instance. Suppose an Act of Parliament were passed to abolish the Corporation of Bristol, and that then another Act was passed to constitute a new Corporation altogether different, and composed of entirely new members, would any one be found to contend that this was no abolition, because a new Corporation was erected? If the new Corporation were composed of the same persons as the old one, he could understand such an argument; but when it was composed of altogether different people, he confessed he was wholly at a loss to do so. Again, if a Corporation were merely trustees of certain property for the benefit of the town—an opinion, he believed, not quite consistent with the legal construction of the charters—what was proposed by his noble Friend (Lord Fitzgerald)? That the same property should be applied effectually for the benefit of the town by trustees nominated by the Crown in lieu of the inefficient trustees whom it was proposed to abolish? Was there any sense, was there any consistency in saying, that the Corporations of Ireland could not be abolished with propriety or justice, unless new ones were created in their place? It was requisite to abate the nuisance, undoubtedly; but when the nuisance was abated, did any measure of justice require that another should be substituted in its place? He wished the House to consider this question, would the erection of the new Corporations be an equal nuisance with the existence of the former bodies? If they should think it would, there could be no doubt of the propriety of adopting the amendment of his noble Friend. It was plain to his apprehension, that those who introduced the Bill were very much afraid of the new Corporations. Why did they not allow them to retain the powers of the old Corporations? What were they alarmed at? Why not give them precisely the same powers, and make the elections popular? What reason could his noble and learned Friend assign for the new Corporations not exercising just the same power, influence, and authority, as the bodies in whose places they were substituted? He could imagine no other reason than the apprehensions entertained by those who introduced the Bill, of the dangerous tendency of such bodies. One of the main objections to the existing Corporations was, that they proceeded on an exclusive system. But it was argued on the other hand, that constitute these Corporations as you would, if you made the elections free, they would still be exclusive, because the inhabitants of the towns were Catholics for the most part, and under the influence of their priests; and they all knew enough of religious differences, and the feelings on which they proceeded, to know that Catholics would be elected to the exclusion of Protestants. This was the influence of one party; if such a result were probable, it ought to be strictly guarded against, because, if it did ensue, they would erect precisely the same nuisances as they abolished. Generally speaking, persons of small property would be elected to the different corporate offices in the towns, while those having the greatest property in the towns would be excluded. That might be no objection with some noble Lords; but it was a very great objection to him. He thought that property should always be an ingredient in the administration of public affairs, whether local or general. He thought the best security the public had for a faithful administration was, that power and property were united. Of this he was sure, that unless they were united, they never could have peace and quiet, because a constant struggle would be going on to bring them together. This was an additional reason why he believed that the nuisance they were about to establish was greater than the one they proposed to abate. Admitting the Corporations of Ireland to be, in their present state, so misgoverned as to make it not desirable for them to be retained, still he did not see the necessity of creating new Corporations, and thereby running the risk of having again the same species of nuisance in a more aggravated and more offensive form. He did not understand why, at this very late period, there should be such an excessive regard evinced for Municipal Corporations. Some new light seemed to have been thrown upon the mind of his noble and learned Friend on this subject, for he had not always been so very much disposed to favour Corporations. Corporations, for the most part, were instituted for the encouragement of trade. His noble and learned Friend had spoken of the Corporations of other countries, but it was well known that they were of quite a different nature. But, supposing the Corporations of England to have been instituted for the purpose of encouraging trade, everybody knew that in the progress of time they had become the greatest obstacles to trade. Adam Smith was of that opinion, and he was a good authority upon that subject. Look at the Corporation of London. As far as the interests of trade were concerned the existence of that Corporation was detrimental to it. The vast trade of London was not at all connected with the Corporation. Had Westminster any Corporation? and yet did their Lordships find that there was any want of peace and quiet in Westminster? No complaint had been made by the inhabitants of the want of a Corporation, Again, Manchester had no Corporation, and he very much doubted whether their Lordships could prevail upon the people of Manchester to accept one. He did not mean to say, that he was an enemy to Corporations where property was united with power, and where there was no exclusion; but to exclusive Corporations he certainly was an enemy, and he therefore was not willing, when they should have abolished the present Corporations of Ireland, to revive them again with all their exclusive privileges. Upon these grounds he should give a very sincere and honest vote in support of the amendment of his noble Friend.

Lord *Holland:* I certainly feel myself very unequal to follow the noble and learned Lord's speech, who has said that the question before your Lordships is, whether the property is vested in the Corporation, or in the town; but I think, in the course of what I shall have to address to your Lordships, I shall have the opportunity of showing that the view, at least, which the noble and learned Lord has taken of the nature of Corporations in general, is one repugnant to the very notion of a free country, and directly inconsistent with the principles of the British Constitution in particular. The noble and learned Lord has all through his speech, been alternating, as he himself expressed it, between town and Corporation. He seems to have forgotten that the Corporation itself belongs to the town; he seems to have forgotten that a Municipal Corporation is no other thing than a representative government—that it is the delegated authority; and that its property and powers belong to the locality in which it is placed. My Lords, I should not venture to lay down this maxim so strongly, if I was not backed and seconded in it by authorities which I am sure the noble and learned Lord will himself respect. My Lords, we heard on a former debate, that this is a mere transfer of power from one party to another. We heard, at the same time, that the power so transferred was little or nothing; but still that it was a transference of power. It is unquestionably a transfer of power. But what transfer is it? It is a transfer from the attorney to the principal; it is a transfer of power from those who have usurped it, to those to whom it properly belongs. This is the principle upon which I have considered this reform; and I shall presently come to consider the two questions more immediately before your Lordships. But while I am speaking of the transfer of power, I cannot help remarking upon a transfer of power which has taken place in this House. I am rather curious to know why the noble and learned Lord with whom this motion originated, did not bring it forward? Why was it transferred from its original parent, to the foster-father who introduced it to your Lordships this night? What was it that made the noble and learned Lord shrink from the support of his own child? I have been considering this matter, and it seems to me just possible that the noble and learned Lord, albeit eager to pass his amendment, and thoroughly satisfied with the propriety of the object he had in view, yet might have thought that it would not have been altogether becoming in a noble and learned Lord who had passed that Chair, to propose to your Lordships so unusual, so extraordinary, so irregular, and so unparliamentary a proceeding as this which is now submitted to your Lordships' consideration, and which I shall be able to show your Lordships is nearly unprecedented in this House; and that it may be a matter of doubt and question, whether it is such as your Lordships are competent, according to the rules and orders of your Lordships' House, to adopt. [*"Hear!" from Lord Lyndhurst.*] By possibility the noble and learned Lord may have had some opportunities of late, to search into the Journals to see as to what were the means by which he might carry his object into execution; and yet he might also possibly have been a little bashful in being the executioner of that very corporation system which he, a short time ago, so highly extolled in this House. I have heard some persons of great authority, for whom I have a great respect, and whose sayings I have much treasured up, though I do not choose now to mention their names—but I have heard some very wise and sensible men say, that a year's reading changes men's opinions very materially. I think the noble and learned Lord must have been very studious during his retirement last autumn and winter. The noble and learned Lord who spoke last, has said something as if some change had taken place on the part of my noble and learned Friend on the woolsack upon this subject; but no such change has taken place with respect to my noble and learned Friend, as we have seen on the part of the noble and learned Lord (Lyndhurst). Do none of your Lordships recollect the beautiful imagery, the happy pencilling in which that noble and learned

Lord portrayed the mayors, aldermen, and town-councils of the ancient Corporations of England? Do not your Lordships recollect the sort of *camera lucida* in which your Lordships saw yourselves reflected in the furred robes of the mayor and aldermen, the mace, and all the paraphernalia of a country municipality? And yet—oh inhuman and monstrous!—all these are to be swept away without the least remorse or the least reflection of all their uses, or of all the ornaments which appertain to them, and which the noble and learned Lord then so poetically described. Some of the arguments used by the noble and learned Lord on that occasion, will directly bear upon the subject now under your Lordships' consideration; for he did not confine himself to the particular advantage resulting from English Corporations. No; he described, and described in glowing and feeling terms, the sort of satisfaction which men received from the knowledge that they were at least of importance in their own Corporations. He alluded to the sort of pride which men under such circumstances felt—nay, my Lords, he touched even upon that very subject which lately, however, he chose, when advanced by another, to speak of with considerable contempt and derision. He touched upon the advantages of being a representative under a system of free government, and of being educated in and familiarised with the principles of that government in which there was a combination of order and liberty, by the discharge of their duties as members of a Municipal Corporation. But when, in the mouth of another, these Corporations were alluded to as being "normal schools for peaceful agitation" (to which, if I have strength, I will come presently), then the noble and learned Lord derided it. But, my Lords, I said that the noble and learned Lord might possibly have shrunk from being the immediate instrument of this measure, when he reflected upon what would be the condition in which he would place this House in making it. I know, my Lords, that upon all subjects, and especially upon the subject of the Orders of this House, and of Parliamentary proceedings, it is dangerous to propound too large a negative; but every man must know that it is an irregular proceeding to move an instruction to a Committee upon a Bill which comes up from the other House of Parliament. Precedents show that it is unusual; precedents may show more—they show that it is not very consistent with the safety, the dignity, or the advantage of this House. But not only precedents, but rule and reason, and the principles of those rules, reasons, and orders which guide the two Houses of Parliament, still more strongly show, that it is a proceeding to which there are strong and forcible objections. As far as precedent goes (I have with some little degree of pains been searching for them), I find none where such a motion has been carried, and where the House of Commons has acquiesced in it. It is true, that at a very recent date—1808—two motions of the kind were made, but both of them were rejected; one was negatived by the House itself, and the other was negatived in Committee. But, my Lords, I find that in 1695 a Committee was appointed—at least directions were issued to the clerks of this House to search for a precedent of such a proceeding, and they found—what? Two precedents; and neither of them, my Lords, establishes the propriety or safety of the practice; for one of them was extinguished by the intervention of a prorogation, and the other was connected with the transactions of those turbulent times—the attainder and impeachment of the Earl of Danby—and which strongly proved the impropriety and danger of proceedings of this kind, and that they were not fit for your Lordships to carry into execution. For what happened on that occasion? It is not necessary to fatigue your Lordships with the whole of the details. A Bill of Attainder was brought up to this House from the Commons. A noble Lord who was anxious to save the Earl of Danby from all the consequences of an attainder, but not venturing to oppose the Bill directly in those turbulent times, moved that it should be a direction (that is the word in the Journals) to the Committee to leave out the attainder, and introduce the punishment of banishment. What was the consequence? When the amendment was communicated to the Commons, they disagreed to it; and it appears upon the Journals, that the Lords assured the Commons that the proceedings in the matter of the Earl of Danby should not be made a precedent, and that they would willingly agree to introduce in the Bill an enactment that it should never be considered as a precedent. Now, my Lords, let us consider the reason and meaning of these things; let us look at what is the meaning of it. I have the less scruple in dwelling upon this point, because there is in it but little of an argument in answer to an argument of the noble Baron who introduced this discussion. The meaning of an instruction to a Committee is this: there is no Committee of this House which sits without instruction. When your Lordships go into Committee on a Bill, what is your instruction? It is the principle which appears in the Bill. The instruction of the Committee is to revise, amend, and consider the means of carrying into execution that which they collect to be the principle on the face of the Bill. The Bill itself, therefore, is the instruction to the Committee to devise the means to carry its principle into execution. But the Committee has not any authority to depart from the instruction; that is, from the principle contained in the Bill; therefore the two Houses of Parliament have, when Bills have been put into Committee, assumed to themselves the right of giving instructions when they wish to alter the principle of the Bill. But mark, my Lords, that this is well enough where it is your own Bill, and where the Committee is sitting under your own instructions. You have a perfect right to say to them, "I meant to pass one law, but I now choose to pass another; and I instruct the Committee, which I have appointed, to make that alteration." If this Bill had originated with your Lordships — there were nothing to prevent you from converting it into a Bill to reform the Church, instead of reforming Municipal Corporations. But mark what the *lex et consuetudo Parliamenti* gives to each House of Parliament. It gives the House the power of reading a Bill a first and a second time when the principle may be settled; it then gives it the opportunity in Committee of settling the details; and afterwards it gives another opportunity of expressing an opinion on the third reading, whether, upon further consideration of the principles and the details, the Bill is such as to induce them to pass it. But an amendment made in this House to a Bill originating with the Commons, is sent down to the Commons, who have the power simply to say whether they agree or disagree to it. Now, if that amendment be in effect a new Bill, it is an attempt on the part of one branch of the Legislature to extort a Bill from the other, without giving the other the opportunity, which the constitution of Parliament gives it, of considering the principle and details of every Bill. For that reason, my Lords, I say this is an unsafe, and an unusual experiment; and I can therefore easily conceive why the noble and learned Lord did not like to contaminate his hands,—albeit their powers are so plastic and cementing, and so apt at bringing contrary principles into one converging vote,—with such a proceeding. He left it in the hands of the noble Lord who introduced it to your Lordships this evening, and certainly to more able and powerful hands he could not have committed it. Of this I am sure, that everybody who heard his speech this night will allow, a more impressive, a more able, and, in some parts, a more just and philosophical speech was never heard, than that which introduced the monstrous and extraordinary proposition now before your Lordships; for the motion is the very reverse of that speech. The motion of the noble Lord is only a modest proposal to your Lordships to substitute the Bill of the noble and learned Lord for the Bill submitted to this House by the other House of Parliament,—and to Parliament itself by his Majesty's Ministers. What your Lordships have to consider is, a choice of two measures—the Bill brought up from the other House, and the Bill of the noble and learned Lord. Now, the noble Lord, with great ingenuity, and with considerable talent, endeavoured to prove, that the Bill which he proposed was not more an abolition of Corporations than ours. That a Bill, however, to extinguish, is the same as a Bill to regulate, Corporations, is a proposition which I cannot possibly understand. I believe, if this Bill of the noble Lord goes into Committee, not one word of the title of the present Bill will remain. But we are all agreed—and it is fortunate that we can agree upon anything—as to the great abuses in the existing Corporations of Ireland. Those Corporations have been unquestionably, in their practice, a complete usurpation upon the rights of the people? It is true, and I heard with very great delight, that part of the speech of the noble Lord, in which he stated it, that the history of the Corporations of Ireland is very different from the history of the Corporations in this country, or in any other part of the world. It is very true, that in many instances, (though not in all) they were founded upon a principle either of exclusion or of national hostility. I was glad to hear the noble Lord make that statement, because he at once thereby accounted for the consequences that have attended these Corporations in Ireland, and also proved the propriety of the line of conduct which my noble Friend (Lord Melbourne) has adopted. I will say, that so far from Municipal Corporations and Local Government being inconsistent with the state of Ireland, as described by noble Lords over the way, it is an institution precisely and more peculiarly adapted to such a state of society than any other whatsoever. So far from that want of civilization, of respect for the laws, of subordination,—which is described as being part of the Irish character at present—so far from that being an objection to the introduction of Corporations, it supplies the very reason and the ground of introducing them. My Lords, it has always been found to be so. I am not sporting any paradoxes—I am not entertaining any strange or fanciful theory—I am speaking the language of all the most able writers on the Constitution of England—and the language of these very charters themselves, which say that it is for the quiet and good government of the town that they do—what? Not — that they establish such Corporations as those described in your Report, or such as those Corporations in England which we fortunately got rid of last year; but that they establish Corporations founded upon popular election and responsible Government. Dr. Robertson states distinctly— [Here the noble Lord, who had been speaking for some time, in a state of considerable excitement, paused for a few moments. On recovering, his Lordship continued]—"Do not be alarmed, my Lords, although I am in a state of great agitation;" [*Laughter*, in which the noble Lord joined.] The noble Lord, over the way, in the course of his speech, has used some general expressions, such as *pares leges*, and so on, which are very vague, because they cover a multitude of things. So, also, the word "agitation" conveys no very accurate and definite idea; because there are included in the idea of "agitation" all the principles of a free Government. Your Protestant religion was agitation—your Houses of Parliament, agitation—free Government is agitation,—and it is by agitation, only, that the great difficulty in the science of Government is accomplished, and great order, and a great love of liberty are ever united. I do not know that I can repeat the words of Dr. Robertson, but he distinctly states, "that perhaps the thing which has most contributed to the diffusion of civilization, of subordination, and of rational liberty—and not merely the extension of trade—has been the establishment of these free municipal Corporations founded upon popular election." He says, and I wish the noble and learned Lord who sneered at the expression of "normal schools of agitation," to hear this—he says, "nothing added so much to the security and tranquillity of a whole country, to the authority of the King, and the authority of the laws, as the scattering of these little republics about the different parts of the empire." If any man had ventured at this day to say, that those Corporations were "little republics," it would, no doubt, have been considered as still worse than calling them "normal schools of agitation." But little republics they are; and I wish I could borrow some of the eloquence of the noble Lord to describe them aright. They are the mirror of the Government under which we live. When the noble Lord asked whether any one could wish to see these municipal bodies converted into schools of agitation, I cheered. The noble Lord immediately thought he had caught my meaning, and said, I know what you mean, you mean, that by withdrawing from the people the power to meet and manage their own affairs, you will create more agitation." My Lords, I meant that, but I also meant something else; because this legal kind of agitation not only prevents that discontent which is diffused from its denial, but it does more, it teaches the people to value subordination, and it teaches them the wisdom of authority. There is nothing in this country—and here again I could quote from one whom I quoted last year, but who cannot be quoted with too much praise and approbation, I mean Sir Francis Palgrave—there is nothing (says that able writer) which so much distinguishes the people of this country as their respect for the law, and there is nothing to which that respect is so much owing, as to trial by jury, and municipal Corporations; to which Sir Francis Palgrave annexes this passage:—"I mean by municipal Corporations, Corporations based upon popular right of election, and a responsible Government in the towns." My Lords, that is the real way to prevent any mischiefs arising from agitation. These are the reasons which induce me to agree with my noble Friends in recommending your Lordships to pass this Bill. But I have still to state a very strong objection to the measure brought forward by the noble Lord opposite. I think it is a most ungenerous, and a most dangerous, and faithless measure. Allusion has been made as to a noble Lord having said something, somewhere, about "shaking off an engagement." I do not want to enter into any personal considerations, but with respect to shaking off an engagement, permit me to ask your Lordships, are there no engagements upon this country towards Ireland? Is not the Union an engagement? Is not the Bill alluded to, and so powerfully and convincingly explained by my noble and learned Friend,—I mean the Act of 1793,—an engagement? Is not Catholic Emancipation—is not Parliamentary Reform—an engagement? And is not what you did for the people of England and of Scotland, last year, an engagement to the people of Ireland that the same measure of justice should be dealt out to them? I ask, but I do not wish to do so in inflammatory terms, is it not what Mr. Hume, on some other occasion, has called "petty and paltry conduct," to take refuge under the distinction that the details of this Bill are not exactly those in the English Bill?" The details may not be exactly alike; but, my Lords, the principle is the same. The noble Lord very carefully avoided describing what was the principle and what were the details. The principle of this Bill is, to regulate the Corporations of Ireland, and to restore them to that which, if not the original principle of Corporations in Ireland, was the original principle of the Corporations of England and Scotland—and which is happily now restored to those two parts of the empire—namely, popular election and responsible Government. The noble Lord has said, that his proposition is a gradual reform. Does the noble Lord take so very disparaging a view of the intelligence of his own countrymen, as to imagine that his motion will be regarded as a motion of reform? Does he not perceive that they will immediately demand of him, "Why not give us the same reform as you have given England and Scotland?" "Why," says the noble Lord, "because you are not fit for it." My Lords, I contend that they are fit for it, and I do so without having any personal knowledge on the matter. I take the fact to be so, from those who say that they are not. I say that one-half of the arguments on the other side not only show that the people of Ireland are fit, but that they are in great need and want of it. But might not the people of Ireland say,—might not this great bugbear, whom we so often hear mentioned in this House, say, "You hold us not fit:—then repeal the Union. Why did you invite us to the dinner, and then make a resolution to give us nothing to eat? What is the meaning of this? Are they to be told that they shall be admitted by the Union into the bosom of the British Constitution, which has produced such mighty effects in this country—and let me tell your Lordships, which owes much of its greatness to those very Corporations, by which its great advantages have chiefly been wrought out? Are we to say to the people of Ireland, "You shall have, in name and appearance, a union with this country—you shall have Roman Catholic relief—you shall be put on an equal footing with us before the law; but when you come to enjoy the law, we will take very good care that you shall have no part of it; or, if we cannot help admitting that the principle of the law would give you part, then we will take away the principle, itself, altogether; and where the law gives you anything, now, there shall hereafter be no law of the sort?" The noble and learned Lord who spoke last, has advanced an argument which every person must see is a delusion. But I cannot pass it by, because the argument goes to the very principle of the change I advocate. The argument is, that we are only going to institute a greater nuisance than that which we propose to abolish. The noble and learned Lord says, that the only question is between two nuisances. I really was very sorry to hear so learned a lawyer, and so distinguished a man as the noble and learned Lord, speak of liberty, of freedom, of a representative Government, as a nuisance. The nuisance we propose to take away is a self-elected Government; a combination of men, defeating and evading the law, for the purpose of usurping to themselves illicit authority. The remedy we apply is simple and effective. We have heard much talking about Catholics and Protestants, Whigs and Tories, and various other nicknames and distinctions; but the persons to whom we have given the power are, according to the showing of the noble Lords themselves, the people of the country. Those noble Lords say that the people are the majority. Why, my Lords, do you mean to give the people of Ireland the Constitution of England, and yet intend that the great majority shall have no advantage over the minority? I wish to know by what beautiful device even the noble and learned Lord, whose plastic and cementing hand I described before, would accomplish the difficult task of giving the benefits of the British Constitution to Ireland, and yet shutting out the majority of the people from their municipal governments? This is a problem to be solved; but it is a problem which the noble and learned Lord never can solve. He was upon much better ground of opposition to the Bill of last year than he is now. It is astonishing, after the denunciation passed by the noble and learned Lord on the destructive measures of the last year, that he should be the person to propose the total annihilation of all the Corporations in Ireland. Last year, he, in the most eloquent, clear, and luminous manner, pointed out the singular advantage derived from these local Governments, and the great good they effected. He then sang—

> Darius great and good!

But now he has

> Changed his strain,

And has

> Seized a flambeau with zeal to destroy.

It has always been proved that the simplest remedy for all disorders against the law, and all collections of factious and seditious men, is—the granting to the people their due share of government; letting them know by practice, how often the calumnies against those in authority are unfounded, and letting them also know the advantages of tranquillity and subordination. Be this true philosophy or be it false —and possibly the despot of Russia and the heads of the other despotic Governments in Europe may be right—but, be this principle right or be it wrong, it is the principle, my Lords, of the British Constitution; it is the principle of the people of England; it is that principle which has raised this country to what she has long been, and what, I trust, she will long remain—one of the freest and greatest communities that ever yet existed on the face of the earth. It is by trusting to this principle, and this principle alone, that you are likely to heal the long-existing and destructive divisions that have so painfully afflicted Ireland. But if you give them the semblance only of a Constitution—if you adopt the short-sighted policy of shutting people out where you have promised to let them in—if you place in their hands a key, but at the same time carefully alter the lock—if you do this you seal the fate of Ireland. In point of fact, you say to the people of that country—"For some reason, inherent either in you or in ourselves, we find it incumbent upon us to shut you out from the enjoyment of the advantages we some time since promised you." I have already stated that agitation is the true Conservative principle. [*Laughter*] You may laugh, my Lords, but I repeat, that agitation is decidedly the true Conservative principle. Those noble Lords, indeed, who laugh must know that they are themselves great agitators in their way. I wish to know what is all debate in this House, but agitation? What are we now doing, but agitating? There may be agitation in good causes or in bad causes, and the merit of the agitation will of course depend on the character of the cause in which it is exerted. But I maintain, that agitation is a sacred principle of the Constitution. If I were disposed to cite, or if I thought your Lordships were inclined to listen, to a long list of authorities, I could quote many—ay, and grave authorities of the Church too—in support of that proposition. In the words of one of those authorities, your Lordships will find that agitation is the great security for liberty; that security which every state requires, and all true policy demands. The works of man, my Lords,—the noblest, the boldest, the most sublime,—crumble beneath the mouldering hand of time; the mountains and the hills are washed away by the slow workings of the stream, or shivered at once by the fury of the elements; but the calm and smooth river flows on, perpetually, from year to year, and from age to age.

> Quæque immota quies nimium premit, ista peribunt;
> Sed quæ perpetuo sunt agitata manent.

Lord *Lyndhurst* said, it was with great and unfeigned reluctance that he rose to address their Lordships on this occasion, but having been so pointedly and so frequently alluded to by the noble Baron who had just sat down, and also by the noble and learned Lord on the Woolsack, notwithstanding the long draft he had made upon their Lordships' patience on a former night, he felt himself still called upon again to address their Lordships on this subject; but he assured their Lordships that what he had to say should be compressed within the smallest possible compass consistent with a due expression of the observations he felt himself called upon to make. The noble Baron (Holland) supposed, that from some feeling of timidity he shrunk from the performance of that duty which had devolved upon his noble Friend (Lord Fitzgerald), and which he had so ably and so admirably performed. But he begged to assure the noble Baron—he begged to assure their Lordships and the country—that whatever he recommended, he trusted he should always have courage, if necessary, to bring forward. It was because he had made all the observations that occurred to his mind on the subject on a former night, that he did not on this occasion think it fitting to trouble their Lordships by treading over again an already trodden path. He therefore requested his noble Friend to undertake the task of moving those instructions to the Committee with which their Lordships were now made acquainted. But, perhaps, considering the profession to which he belonged, the noble Baron would excuse him if he referred to precedent to justify the course he had taken. He would refer the noble Baron to the precedent afforded by the proceedings of the other House, only a short time since, on this very question. The course adopted in that House with respect to this measure was precisely similar to that which he had pursued. The noble Baron charged him with inconsistency for having in the last Session of Parliament appeared as the defender of the English Corporations, whilst on the present occasion he came forward with a proposition to destroy all such institutions in Ireland. He felt that in the course he had taken he had been guilty of no inconsistency; because between the Corporations of England and Ireland there was in fact no similarity. Therefore, because he had defended the one, it by no means followed that to be consistent he must necessarily defend the other also. The Corporations of Ireland, with very few exceptions, were close Corporations, and all established for particular purposes, which would be entirely defeated, and the whole character of the Corporations changed, if such a measure as that proposed by the noble Viscount (Melbourne) were allowed to pass into a law. When he came forward as the defender of the English Corporations, he did not advocate the principle of exclusion, or the principle of placing the administration of justice entirely in the hands of one party. The principle on which he then proceeded was perfectly consistent with the course he was now pursuing, and which he thought he was justified in pursuing, notwithstanding the fact that it necessarily led him to support a part of the proposition of the noble Viscount. The noble Baron had suggested, that he had quoted no authority for the proposition which he had offered to the House, and that the motion made this evening by his noble Friend was inconsistent with the usual form of proceeding and practice of the House. But his noble Friend, in moving the instruction of the Committee, had carefully drawn the distinction which the noble Baron intended to point out. The noble Baron stated, that instructions might be given to a Committee when a Bill originated in that House, but that when a Bill came up from the House of Commons such a course could not with propriety be adopted. He begged to call to the noble Baron's mind what took place in that House in the year 1808, on the Report of the Bank Charter. The Bill upon that subject originated in the other House; it was brought up to their Lordships' House, and Lord Grenville then moved an instruction to the Committee as foreign to the principle of that Bill as anything contained in the motion on the present occasion could be to the Irish Municipal Corporation Bill; because the purport of Lord Grenville's motion was, that Roman Catholics might be allowed to become members of the body to which the Bill in question related. If he mistook not, the noble Baron himself voted in support of that proposition. At all events, he knew that the noble Baron was in the House at the time; and he knew, also, that the whole of the party with whom the noble Baron was in the habit of acting, supported the proposition of Lord Grenville. So much, then, for the question of form as being inconsistent with the practice of their Lordships' House. Nor, indeed, could it be consistent to pursue any other course than that which he had adopted. If they were to go into Committee without previously moving instructions, what would be the consequence? Why, that every Clause of the Bill would be brought forward to be discussed in a tone consistent with the principle of the Bill, as it was allowed to pass on the second reading. So much then for the objections raised by the noble Baron on points of form. He came now to another point. He confessed he participated in the feeling expressed by his noble and learned Friend on the bench below him (Lord Abinger), that he did not distinctly understand the observations that fell from the noble and learned Lord on the Woolsack. It appeared to him, however, that that noble and learned Lord seemed disposed to charge him with something like inconsistency. Sure he was, that at the time to which the noble and learned Lord referred, propositions were started from the Woolsack, such as never before had proceeded from that place. There was a vast difference between the case of the Stafford borough and that of the Corporations generally. The case of the one was that of individual delinquency and individual punishment, for crimes supposed to have been committed. The case of the other was widely different. But what did the noble and learned Lord say: the noble Viscount does not abolish these Corporations—far from it; he tells us that these corporations are for the benefit of the inhabitants at large, and therefore we are bound to have two Corporations in the place of one." He agreed with the noble and learned Lord, that if this measure were for the benefit of the inhabitants of Ireland, it would be right that the House should concur with him in adopting it. It was because he (Lord Lyndhurst) thought it was not for the benefit, but would be productive of the worst mischief to the people of Ireland that he opposed it. But, said the noble Viscount, "We are bound, if we abolish these Corporations, which were established for a specific object, to provide a substitute for them." If he thought that the noble Viscount's measure would go to establish a proper substitute—if he thought it would benefit the inhabitants of Ireland—he would lend it his name and readily support it; but believing it would be productive of nothing but unmixed evil, he felt compelled to oppose it. The noble Baron told them that the Bill of the noble Viscount was not a Bill to abolish but to renovate. [Lord *Holland:* regulate.] Regulate the noble Baron said at first, but to renovate he said afterwards. A Bill to renovate the Corporations of Ireland! Why, in one year, almost in one day, forty of the Corporations of that country were created by charters of James 1st. Renovate them! Look on the charters on which they were founded. The noble Baron spoke but of one or two of all the Corporations of Ireland. Let him read the Report of the Commissioners. The noble Baron would there find that forty of these Corporations were founded in one year on the closest possible principle, and for exclusive political objects. How were these to be renovated? To renovate was to restore. Did the noble Baron mean to say that it was the intention of the noble Viscount to restore the Corporations of Ireland to all the exclusiveness—all the one-sided political objects for which they were established by James 1st. What did the Commissioners tell their Lordships upon that point? Why, that in the case of Sligo an application was made to the Court of King's Bench, as an experiment, to try the possibility of opening the Corporations of Ireland. Did the Court of King's Bench entertain any doubt as to the continuation of the charter? None whatever. Nay, they stated that usage was in favour of the charter, and they therefore refused the application which had been made to them. It was plain therefore, that these Corporations had, from their origin, been close and exclusive bodies. Could anything be more absurd than to talk of renovating them. The noble Viscount (Viscount Melbourne) was not guilty of this absurdity; the noble Viscount did not renovate, he destroyed—he removed by one sweep from every Corporation all its existing Members—he changed the constituency—he altered the form of the Corporation itself—he took from its members all the duties they had ever before performed, and gave them other duties which till now they never had performed. This, the noble Baron informed them, was renovation. He (Lord Lyndhurst) confessed it appeared to him to be total change. Then what was it that the noble and learned Lord on the Woolsack stated by way of argument? That all these Corporations were altered by Act of Parliament in 1792. What did that Act do? It put Roman Catholics on the same footing, as far as Corporations were concerned, as Protestants. It effected no other change; it made no other difference in the preexisting law. Did it open the Corporations of Ireland? Did those Corporations cease to be close Corporations on account of the Act of 1793. Surely the noble and learned Lord must have been very much pressed for argument, when he resorted to such an argument as that. It certainly was not usual to hear such a description of argument coming from the Woolsack. He came next to the point of property. Upon that part of the subject, however, after the very able remarks of his noble Friend (Lord Fitzgerald), he did not think it necessary to say more than a very few words. If the Corporations were annihilated, the property which they held in trust for different objects must be transferred to other hands. The question then was, whether new Coporations should be created to undertake the management, and to have the control over this property; or whether the management and control, on the annihilation of the present Corporations should be transferred into the hands of individuals. In some instances a transference of the latter description had already taken place. The property of Corporations might be said to consist of two parts. One, property in trust for charitable purposes; the other, property (yielding for a moment to the arguments of noble Lords on the opposite side) held in trust for the benefit of the inhabitants of the town. Now their Lordships must be aware that they had already taken from Corporations one part of their trust, that which related to the property of charities, and vested it in the hands of individuals. Yet the noble Lords opposite contended, that they were acting without precedent when they proposed to take the other part of the property held in trust by Corporations, and to place that other in the hands of individuals — Commissioners — and for what purpose? for the benefit of the inhabitants of the town. Did they violate any rule or principle of propriety by proposing to adopt that course? The question then came to this, and it was the sole question – and all questions, however complicated they might appear at the outset, usually at last resolved themselves into a few plain principles—the sole question was this: The Corporations of Ireland were dissolved by the Bill of the noble Viscount; they were extinguished, and there was an end of them. They, on that side of the House, adopted that part of the noble Viscount's proposition. They said, "We will meet you there; we will not defend Corporations which are absolutely exclusive; we will not defend the policy of vesting the administration of justice exclusively in the hands of one party." What did they do then? The question was, what they were to substitute for the abolished Corporations. The noble Viscount (Melbourne) said, "substitute new Corporations." For what purpose? No adequate object, no adequate purpose had been stated as a foundation for the establishment of new Corporations. They, on that side of the House, thought that new Corporations would be productive only of mischief; they, therefore, proposed to pursue a different course to attain the object which both sides had in view by different means. The noble Baron (Lord Holland) said, that they (the Opposition) had determined to take no part of the Bill proposed by the noble Viscount. He was sure they had more respect for that Bill than to abandon it altogether in the way stated by the noble Baron. He begged to assure the noble Baron, that they should draw largely upon the Bill of the noble Viscount. The noble Viscount in his Bill, had provided for the administration of justice in these corporate towns. They, the Opposition, did the same, and would take the noble Viscount's clauses. The noble Viscount provided for the administration of the funds of charities. They did the same, and would take the noble Viscount's clauses. The noble Viscount provided for the election of the sheriffs of towns. They did the same, and would take the noble Viscount's clauses. The noble Viscount had provided also for the disposal of the Church patronage at present possessed by the Corporations of Ireland. They did the same, and would take the noble Viscount's clauses upon that point also. Thus it would be seen, that they treated the noble Viscount's measure with much greater respect than was supposed by the noble Baron. When the administration of justice, the management of charitable funds, the election of Sheriffs, and the disposal of Church patronage, when these powers were taken away from the Corporations of Ireland, as by the noble Viscount's Bill they undoubtedly would be, what would be left for the Corporations to do?—Nothing. The noble Viscount felt this; he saw it would be ridiculous to establish Corporations with power to do nothing, and, therefore, in order to give them something to do, he placed in their hands powers of a description totally different to any they ever possessed before. By the Report of the Commissioners it appeared, that the cares of watching, paving, lighting, and the removing of nuisances, were detached from the Corporations and devolved upon Commissioners. What did this Bill propose to do? The noble Viscount said, "as we have taken from the Corporations all the important duties which they formerly performed, we must find out something else for them to do; therefore, we will take from the Commissioners those duties which they are stated in the Report to have performed well and satisfactorily, and vest the performance of them for the future in the Corporations." He asked, whether the new Corporations proposed by the noble Viscount would not be created for that purpose, and for that purpose only? Then, was it surprising that they, on that side of the House, should say, "There is no use in establishing Corporations for these purposes; there is no necessity to create excitement and tumult, for the attainment of such petty objects. Let us remain as we are; let us adopt the first part of the noble Viscount's plan; but let us not follow it up by creating these new Corporations, for the purpose of giving such unimportant and insignificant duties to them." He would remind their Lordships that petitions had been presented from Cork and Dublin against the Bill proposed by the Government, in which the petitioners stated, that they felt alarmed for a continuance of the integrity of the empire, if such a bill were allowed to become a law. When their Lordships were considering these new Corporations, and the trifling duties which they would have to perform, it was material to advert to a point which he believed had not been noticed or referred to before—he meant the expense by which they would be attended. This was by no means a slight consideration, and one which he was sure would be felt in Ireland. The mayor, the town-clerk, the recorder, and many other inferior officers, were all to be paid. And how were they to be paid? Why, according to the discretion of the town-council. Their Lordships' would recollect, that this was in Ireland, where every corporate officer would be elected by party men, and paid for party purposes. Then, again, compensation was to be given to all officers that were dismissed from their employment. Did not their Lordships know, that as soon as this Bill passed there would be a general clearing—that all the old officers would be turned out, and that to each of these, according to the provisions of the Bill, compensation must be given. Here there were to be annual election, lists of voters annually to be made out, notices to be given and duly printed, polling booths to be erected—in short all the incidents and all the expenses of a popular election, and this to take place once in every year at the expense of the public. The expense was to fall upon the town. Then, although the towns of Ireland were already subject to a heavy charge for the maintenance of a large constabulary force, yet in each there was to be an additional watch, presided over by a chief officer, having a good salary, the men having good wages, allowances being made for the sick or the wounded, extra pay allowed for extraordinary activity or zeal, and a variety of other modes of getting rid of money, which, in these days of economy and retrenchment, it was perfectly surprising to read. How were these expenses to be paid out of the borough fund? In nine cases out of ten the borough fund would not be sufficient, and the only alternative would be a rate upon the inhabitants. If, therefore, the inhabitants of any of the Irish corporate towns had been anxious to support the present measure, he thought if it were allowed to pass they would soon have cause to repent their imprudence. All the other points of the Report had been so well treated by his noble Friend (Lord Fitzgerald), that he did not feel it necessary to go into them even for a moment. There were, however, one or two questions which he (Lord Lyndhurst) put the other night, and to which the noble Viscount (Melbourne) had not given a reply. He trusted, therefore, that he might be pardoned for repeating them. He said, that in this country the lists would be made out in such a manner as to secure impartiality; and that the marginal notes to the present Bill led one at first sight to suppose that they would be made out in nearly the same way in Ireland; but in point of fact there was a material difference. In Ireland it was proposed that the churchwardens should make out the lists. In England the overseers performed that duty. But on examining the Bill a little closer, it appeared that the churchwardens in Ireland were only to make out the lists for the first year after the passing of the Act, and that subsequently that duty should be performed by another person. And performed by whom? Who did their Lordships suppose was the officer selected for this purpose? The town-clerk; he who held his office at the pleasure of the town-council—who was entirely dependent on their will—whom they could at any time turn out of his office—who was their mere creature. This man after the first year was to make out the lists. Could their Lordships conceive any officer more objectionable? This was one of the objections which he stated on a former night, and to which the noble Viscount gave no reply. There was another point which he thought of importance, and upon which he must also beg the noble Viscount to give some explanation. Their Lordships were most anxious and careful in the English Municipal Corporation Bill as to the division of towns into wards.

They took care that the Bill should not go into operation—should not have any effect until that division had been effected: there was a provision in the present Bill for dividing the towns of Ireland into wards, but there was no provision to prevent an election of corporate officers before the division took place. So far from it, indeed, that the division of the towns at all was in a great degree made dependent upon the passing of another Bill which had not yet gone through all its stages in the other House; and if any thing should occur to prevent its becoming a law, the election of municipal officers would take place in each town in Ireland by the great mass of the inhabitants. This, in his opinion, constituted an important distinction between the present Bill and the Bill which had been carried for England. But, passing that part over, he would briefly observe that one of the chief evils of the Bill was the evil of annual elections in all these large towns in Ireland. He addressed himself now to those noble Lords who came from that part of the empire, and who from being resident there had been frequent witnesses of elections in Ireland: and let those noble Lords tell him whether it were possible to inflict a more severe grievance on that country, than an annual popular election in each of its chief towns, conducted in the spirit and manner which commonly prevailed in that part of the empire. If there were any doubt upon the point he would only refer their Lordships to what had taken place at Kerry and Carlow, and would then ask whether it were possible for any statement made by man to exaggerate the evils of annual elections in Ireland. When the other night he spoke of Corporations with no duties to perform, but at the same time exercising a powerful political influence, he was charged with having alluded particularly to a Member of the other House. What he stated was, that these new Corporations, wholly unnecessary for any useful purpose, would become seats of agitation and sedition; and, after he had made that observation, and offered his arguments in support of it, what was the course he pursued? He might be taunted for it, but it was a legitimate course. He selected an individual whose testimony upon the point was beyond all dispute, and repeated to their Lordships what that individual had stated before 300 or 400 witnesses. He certainly thought that he might have been allowed to refer to such testimony, not as a proof or a confirmation, but, at any rate, as an illustration of the point he was endeavouring to impress upon their Lordships' minds. But then it was said, "Is not Ireland to have the benefit of this Bill? Is Ireland to be excluded from the benefit of Corporations?" For the reasons he had stated he did not believe that Corporations would be a benefit to Ireland. Look at the preamble of the Bill. What did it state as the object of the Corporations to be established? That the towns might be well regulated and well governed. Did their Lordships believe that the Bill would tend to those ends? Did they believe that the provisions of the Bill were calculated to effect the object declared in the preamble? Instead of producing regularity and securing good government, he believed that the only effect of the Bill would be to create disorder, tumult, discord, and strife. His noble and learned Friend below him had alluded to some of the large towns of England, and compared those with Corporations with those which had none. He would only ask their Lordships to compare Birmingham with Coventry, Manchester with Norwich, and then ask themselves which they knew to be best regulated and most quietly governed? Let them compare any other large town with Boston, and then let them say, whether it was quite clear that Corporations did tend, in the present day, and in the present state of society, to secure regularity and good government. Under the new English Corporation Bill, any town of a certain size had an opportunity of applying, by petition to the King, for the benefit of a Corporation according to the new form and fashion. Had any such application been made? If there had, he had never heard of it. It seemed, then, that the English towns were not sufficiently alive to the great benefit which was within their reach, and which they might have for the mere asking. But they were told in a vague and geneal way, that all the countries of Europe were full of Corporations, and this was urged as an argument, that Ireland ought to have Corporations too. But what was the object of a Corporation at its establishment? Defence, protection. He objected to this Bill for Ireland, because it produced offence, instead of defence. He admitted that some weight might be attached to one of the observations which fell from the noble and learned Lord on the Woolsack, if that observation stood by itself, and was not destroyed by those which preceded and followed it. The noble and learned Lord said, that in the popularly constructed Corporations of Ireland, a sort of vent would be established, out of which much of the ardent and active spirit of the inhabitants might harmlessly escape; that the discussion of municipal affairs would draw many from public tumult, and deter them from meddling in matters of a higher nature. That would apply extremely well, as a general observation, to counties in general; but what was the condition of Ireland? An organized system prevailed there, connected, from one end of the country to the other, by the priesthood and agitators. There the attention and the energies of the town councillors, instead of being engrossed in local matters, would be directed to one point, by one mind, for one object. But it had been said, "England and Scotland have Corporations, why should not Ireland?" Ireland stood in a situation quite different either from England or Scotland. Ireland originally consisted of two parts—one part English, the other Irish—and these two were diametrically opposed to each other. Unfortunately, at the time of the Restoration, another principle of division was introduced between these two parties, and it was now English and Protestant, Irish and Catholic. These parties were opposed to each other with great bitterness, and on many occasions with great intensity of feeling. Who then would say, that what was good in one country, must necessarily be good in the other. That what was adopted here, and found to be beneficial, must necessarily be beneficial to Ireland, and ought at once to be extended to that country. The reasoning was perfectly childish, and if it were allowed to obtain, for any length of time, or to govern the mind of such an assembly as their Lordships, it would, indeed, be working out one of the sayings attributed to one of the Chancellors of Ireland, who called history an old almanac. The very Bill proposed by the noble Viscount acknowledged the distinction which existed between the two countries, else why withhold from the Corporations of Ireland the same authority, power and influence as were conferred upon those of England? Again, there was a coercive Bill for Ireland, but nothing of the same description for England. There was a Constabulary Bill for Ireland. There was no such Bill for England. "Do not let us be weak, then," continued the noble and learned Lord; "Do not let us be childish. Let us look at Ireland as it is; let us regard her people as we find them, and legislate for them accordingly." On the present occasion, the short question for your Lordships' consideration is this:—Both parties are agreed on the extinction of the Corporations in Ireland; and the question is, what we shall substitute in place of them? I agree with the view taken by my noble Friend; the noble Viscount prefers his own. It will be for your Lordships to decide between us.

Viscount *Melbourne:* I am, my Lords, happy to say, that I do not consider it necessary to intrude, at this late hour, and at this protracted season of the debate, but for a short period upon your time. The noble Lord who opened this debate, began his statement by referring to the different relative situations of the boroughs of Ireland, and of this country, referring to the different objects for which they were created, and for which they had been preserved. Although, my Lords, I admit that there were many of those boroughs that were instituted for political purposes—that those boroughs were established, in a great measure, for political purposes—that they were political institutions—that they were the outguards of the Protestant and the English party in that country; yet I believe, that the noble Lord will discover that he is mistaken if he supposes that the English boroughs were created upon different principles—that they were not created for political purposes—that they were not formed for political ends—that they were not originated for precisely the same ends as the Irish Corporations. We know that the principal part of the Corporations received their charters in the latter times of the Reformation—that the Corporations in the west were generally established by the Duke of Somerset, for the purpose of maintaining the Protestant interests, and of securing a majority in the House of Commons that could carry the measures then in contemplation. We, on the other hand, are aware, that when the Catholic interest prevailed in the time of Queen Mary, that charters were conferred upon many towns in the north, in which the Roman Catholic religion was the strongest. Therefore it is, that I beg leave to tell the noble Lord, that there is not that difference in the origin of Corporations and Boroughs in this country and the Corporations of Ireland which he seems to suppose. Not, my Lords, that this has anything to do with the real question now before us, and respecting which we are now discussing; it is not why they were originally instituted, not for what purpose, that is not the question here; but the question is, and it is the main question and object of the present debate—being agreed, as we all are, that the Corporations of Ireland, as they at present exist, ought to be done away with—the question for your consideration is, what you are to substitute in their place? Having listened to the able and eloquent speech of the noble Lord who commenced this debate, I am prepared to admit this, that he has stated one principle in which I entirely concur—I admit that there are points of difference between this country and Ireland. In that I agree with him. Yet, looking at the whole of his speech, I cannot discover how that fact bears upon the argument advanced by the opponents of the measure—namely, that the specific difference between this country and Ireland renders the existence of local management by Corporations improper in Ireland, and yet proper in England. If there be any specific difference which incapacitates Ireland from exercising local Government—the noble Lord certainly has not demonstrated its existence. I do not now enter into the legal question of the extinction of Corporations, or their establishment. There can be no doubt that the Corporations of Ireland are as much extinguished by the Bill proposed by us, as by the amendment intended to be introduced by the noble and learned Lord. The question is, what are we to substitute? Are we to give to the people of Ireland local governments or not? We say, that the people of Ireland ought to have the advantage of local municipal government—we say that doing this would be agreeable to sound policy—we say that it is more, that it is the Constitution of every country to allow them; but it is particularly wise, prudent, and politic, to permit them in the present circumstances and situation of Ireland. I understood the noble Lord who opened this debate distinctly to admit that municipal institutions were wise and prudent in themselves—I understood him distinctly, in speaking upon the general question, to admit that municipal government was wise and prudent in itself, and that he would be most happy, could he do so with propriety, to adopt them in the country to which he belongs. The noble and learned Lord who spoke last broached an entirely new principle; his theory, if carried into effect, would tend to overthrow Corporations in towns and cities; he says, that towns and cities are better without them—that towns without Corporations have been well governed, and badly governed with them. The noble and learned Lord thus introduces a new principle, and which, I must remark, is entirely inconsistent with the principle, laid down as I understood, by the noble Lord who commenced this debate. The noble and learned Lord points out all the powers that are taken away from the Corporations. "You have (says the noble and learned Lord) taken away the management of the police, the Courts of Justice, in fact all the powers exercised by former Corporations. What then remains?" I tell him the Corporations remain, and that we contend they ought to remain—that they ought particularly to remain in Ireland, where, if anything be wanted, it is a species of local aristocracy; there a local government (a point which has been too much lost sight of) is demanded, and ought to be encouraged and cherished; it should be restored to that country instead of being done away with, as is now proposed. A noble Lord the other night said, that Ireland was not in a proper state of fusion—that the conquest of that country never was completed. Now Scotland has amalgamated pretty well with this country; Scotland never was subjected to a conquest; there were a great many wars carried on against that country with alternate success; she never was thoroughly tranquil, until in the course of time a Monarch came to the Throne who was equally the Monarch of Scotland as of England, and both Crowns were united upon the same head. Since then the two countries had lived on friendly terms, till they had become completely united. The noble and learned Lord has broached a theory respecting the state of Ireland, and the hostility between English and Irish being succeeded by hostility between Protestants and Catholics. Possibly the theory is correct. Whatever was the parent cause of the evils of Ireland, they certainly have produced in that country a disposition in every party to look entirely too much to the Government—to have their attention too much fixed upon the Castle. Why? Because there has been an absence of local management, and of local government. I will not say, that we have had too much of the local governments of this country, but I will say, that they have been too little under the control and supervision of the supreme Government. There has not been with them in the jargon of the present day—enough of centralization. But as for Ireland, we ought to cherish, and to foster, we ought to do everything in our power to promote and encourage local authority, local management, local distinction —all of which it is now proposed to do away with at one blow, by this measure. You are going to do away with them in large towns and cities—in cities well known to be growing every day in wealth and importance. You are going to hurt their pride, to wound their feelings, to injure their interests; all are compromised by the course which in this manner you have been called upon, and I must say in my opinion hastily and rashly, to pursue. The noble and learned Lord has mentioned one or two points respecting which he says no explanation has been given. I should have given the explanation to both those points if I had not thought they were fitter for explanation in Committee than for discussion in this House. They were not points that affected the question of the second reading of this Bill. One of those points is respecting the town clerk making out the lists. It is evident that is liable to objection; but some one is necessarily required to effect that object. Now, with respect to the second point,—the wards of towns. It was not absolutely necessary to place that in the Bill. Besides, I understood that the division of towns into wards is very nearly completed, and when they are, a measure will be brought forward to effect that arrangement. That, too, is a matter which is still for the Committee. If the noble and learned Lord will please to recollect, an alteration to this effect was made in the Corporation Bill of last year. Such an alteration was made in the Committee on that Bill, and I cannot myself see why this Bill is not also liable to an alteration in this respect. The real question here is, whether these town-councils in Ireland, constituted in the manner that is proposed, are liable to the objections that have been stated against them—whether they are, as the noble Lord has declared they will be, nuisances, or "normal schools of peaceful agitation," as an hon. Gentleman is stated to have said that he hoped and expected they would be. My Lords, I cannot undertake, as to this or any other measure, to answer for the opinions which may be expressed by others as to its practical effects, nor can I receive the assertions of its opponents as arguments against it. Is it because some persons think that a measure will go farther than it is intended to go—because they anticipate effects from it which may favour their own views—is it because they suppose this, your Lordships are not to pass a measure of great importance? Why, if that were to be an objection to a measure, never would any measure have passed. Why, when the petition for a Bill of Rights was acceded to, there were many men who hoped and believed that it would ultimately lead to more violent consequences. If such an objection were to have prevailed, the Habeas Corpus Act would never have passed; because it was the opinion of James the 2nd that a regular Government could not go on under it. What say you of the Revolution? Were there not many who favoured it because they believed that the disturbance of the succession to the Throne would lead to a more violent revolution? If you were to permit yourselves to be swayed by arguments like that, you could not take a single step; because you would find persons to anticipate from it greater consequences, and such as favoured their own views. I say that no great measure ever would, or ever could be passed, if men differed, or you now permit such an objection to be a valid one against an important measure. But I beg now to ask what are the reasons assigned to prove that the town-councils would become normal schools of agitation, or engage entirely in politics? Is it, after all that has been said, proved that the town-councils in England have so engaged in politics, or even if they had, what power do they possess? I know of nothing more weak, nothing more feeble, than any assembly that steps beyond its province, and interferes with what does not belong to it, and which does not come immediately and directly within its cognizance. So it must be with those town-councils; if they entered into any species of conflict, or engaged in political warfare, they would be utterly powerless; for there is an evident and clear distinction between misusing power and mere perverting the authority with which they are invested. After all that has been said of the state of Ireland, let me ask this—is there proof given to us of the exclusive use of the power now committed to the Roman Catholics? Where is the proof of it? Is it in the Parliamentary branch that such a power is exercised? You say that the Roman Catholics would use their power in electing Members of the town-council—that none but Roman Catholics would be returned. Now of the 105 Irish Members returned to the House of Commons, thirty-six are Roman Catholics, and four or five of these are all of one family, elected, too, under very particular circumstances, and such as are not likely to occur again. Now, whether Mr. O'Connell be man or devil,

"A spirit of health, or goblin damned,"

still he is but an individual; and being, too, one of great and unusual courage, he is thus peculiarly situated. Now, no man springs up exactly like another, nor is ever the precise situation that he holds likely to be filled up. The pre-eminency that he holds, the situation that he fills in the Irish representation, is one occupied under peculiar circumstances; and it is not fitting nor prudent in a great assembly to legislate upon a particular case. No possible reason has been laid down to induce us to infer that the Roman Catholics will naturally or necessarily predominate in those elections, or that they will have more than that fair share which necessarily belongs to their numbers and power, and which always must have their weight and influence. I think it less likely that spiritual influence can be exercised with effect in the election of town-councils; I do not consider that it can be used in reference to those matters—the influence of priests is very likely to be much less in great cities than in the country. I apprehend that the influence of no minister of religion is as great in a populous town as it is in the remote and distant villages—in this respect, then, the influence declared to be so overwhelming and commanding, will be far less effective in the town-councils and assemblies of cities than it is in the country. I cannot help observing, that the influence so much complained of is carried to a very great extent; there is not only the influence of the priests, but there is also the influence of others. It is an influence not peculiar to one class, not exercised by one class alone, but carried into and acted upon in every state of society. The great disease of society, the great impediment to quiet government, the great evil of the day, the greatest prevailing abuse at present, is, that every one thinks he has a right to employ his influence over another—each practises it, and each exclaims against its practice in another; the landlord enforces it on his tenant, the customer over his tradesman; they force conscience, and they drive persons against their will to the poll to vote contrary to their own wishes. I say, then, upon whatever side this influence is exercised, it is a cruel tyranny and a gross injustice. I say that it is a great evil; it is one, too, prevailing in a greater degree in this than in any other country; and that in no other country but this, where there is a popular form of Government, does it prevail. With respect to the influence of the priests, the noble and learned Lord lays great stress upon it. We cannot too much complain of the extent of that influence when improperly exercised; but let it be recollected that it is very difficult to separate the influence of the minister of religion from religion itself. This is, my Lords, a very delicate subject to touch upon. Where a religion is exercised as it is in Ireland, where it has great influence, as it has, over the minds of the Roman Catholics of that country, where its rites are considered necessary, and are constantly administered, it follows that those ministers to whom the people thus frequently resort, have a great and commanding power over them. That power may be a blessing or a curse, according to the manner in which it is exercised; but we cannot hope, you may depend upon it, to lessen that power by railing at it; we cannot hope to diminish it by reviling it—by doing that you only drive it still more deeply into the habits and feelings of the people. Influence over others is not more exercised in that country than in this, and yet the exercise of that influence would be no good reason for doing away with the constitution of this country, or exclaiming against the right of property. Your Lordships have to make your election which proposition is to prevail—the extension of rights and privileges to Ireland—rights and privileges which are greatly prized by all men, or the curtailment of the rights and privileges of which Irishmen are already possessed. I shall not address your Lordships any longer. I have only to express my strong opinion that it is better to go into the Bill originally proposed, and consider its various enactments in Committee, and that you will commit a very hasty, a very rash, and a very imprudent step, if you accede to the instruction moved by the noble Lord.

Lord *Fitzgerald* and *Vesci* replied: It did not much matter, he said, whether Roman Catholics were elected or not, provided that Protestants could be sent, bound hand and foot by Catholic constituencies, to destroy all the institutions of the country. He might mention the town of Clonmel as an example of the observation which he had just made. In Clonmel there were a great number of the Society of Friends, who possessed large establishments, and were in the enjoyment of large properties. The affairs of that town had been managed by a local board previous to the Act of the 9th George 4th coming into force. The number of persons who constituted this local board was twenty-two, and the whole of these persons were Protestants and Quakers, whose property was rated to the extent of 2,410*l.* annually. What was the consequence after the Act of Geo. 4th came into operation? Why, that the twenty-two Protestants who formed the local board had been displaced, and substituted by twenty-two Roman Catholics, whose property was not rated to any greater amount than 357*l.* He only stated this fact to show what the ascendancy of the Roman Catholics would be in all places where there was a large constituency. There were some other points to which he should like to advert, but seeing the disposition of the House, he should abstain from doing so. The noble Lord opposite had complained that he had not explained the difference between the two countries, and why the same principles should not be equally applied to both. He would tell the noble Lord that it was that difference—a difference which was on all hands admitted to exist, that constituted the reason why the administration of justice should be withdrawn from the Irish Corporations, though placed in the hands of the English Corporations.

Lord *Holland* merely wished to say in explanation, that the noble Lord was quite mistaken in supposing that he had denied that the noble Lord had a perfect right, according to the usages of the House, to propose an instruction.

Lord *Fitzgerald and Vesci* observed, that in 1823, it appeared by the Journals of their Lordships' House, an instruction was proposed on the question for going into Committee on the Tithe Composition Bill, in order to introduce a particular clause. The instruction was rejected, but the clause was inserted in the Committee, and the Bill passed, and was sent down to the Commons.

Lord *Holland* said, that he had not been aware that such an authority existed to show, that proposing an instruction, under the circumstances, was improper. He did not say it in triumph, but he could not help observing, that the noble Lord had cited an authority against himself.

The House divided on the original motion,

Contents—Present 72, Proxies 47; 119:—Not-Contents—Present 133, Proxies 70: 203—Majority 84.

Main question, as amended, put and agreed to. Instruction to the Committee ordered. The Bill to be committed on Tuesday.

List of the Contents.

PRESENT.

DUKES.

Norfolk
Grafton
Devonshire
Sutherland
Cleveland.

MARQUESSES.

Lansdowne
Breadalbane.

EARLS.

Thanet
Scarborough
Albemarle
Ilchester
Radnor
Charlemont
Craven
Minto
Burlington
Camperdown
Lichfield.

VISCOUNTS.

Torrington
Leinster (D. of Leinster.)

BARONS.

Dacre
Paget (E. of Uxbridge)
Howard of Effingham
Petre
Saye and Sele
Teynham
Byron
Howland (Marq. of Tavistock)
King
Boyle (Earl of Cork)
Holland
Vernon
Sundridge (Duke of Argyll)
Foley
Suffield
Dundas
Yarborough
Lilford
Dunally
Barham
Erskine
Crewe
Gardener
Melbourne (Viscount Melbourne)
Minster (Marquess Conyngham)
Glenlyon
Somerhill (Marq. of Clanricarde)
Seaford
Rosebery (E. of Rosebery)
Kilmarnock (Earl of Erroll)
Sefton (E. of Sefton)
Clements (E. of Leitrim)
Kenlis (Marquess of Headfort)
Howden
Poltimore
Mostyn
Segrave
Templemore
Dinorben
Cloncurry
Godolphin
Solway (Marquess of Queensberry)
Denman
Duncannon
Glenelg
Hatherton
Strafford
Cottenham
Langdale.

BISHOPS.

Chichester
Hereford
Bristol.

PROXIES.

DUKES.

Sussex
Richmond
Bedford

Marlborough.

MARQUESSES.

Winchester
Anglesey
Westminster.

EARLS.

Shrewsbury
Derby
Huntingdon
Suffolk
Essex
Carlisle
Ferrers
Fitzwilliam
Spencer
Gosford
Grey
Mulgrave
Morley
Durham
Granville.

VISCOUNT.

Lake.

BARONS.

Audley
Stourton
Arundel
Dormer
Howland (Marq. of Tavistock)
Montford
Carleton (E. of Shannon)
Dorchester
Auckland
Lyttelton
Mendip (Vis. Clifden)
Wellesley (Marquess Wellesley)
Granard (Earl of Granard)
Lynedoch
Ranfurly (E. of Ranfurly)
Plunkett
Brougham
Fingall (Earl of Fingall)
Rossie (Ld. Kinnaird)
Chaworth (Earl of Meath)
Ludlow (E. Ludlow)
Hamilton (Lord Belhaven)
Western.

BISHOP.

Norwich.

List of the Not-Contents.

PRESENT.

DUKES.

Cumberland
Beaufort
Rutland
Dorset
Wellington.

MARQUESSES.

Tweeddale
Salisbury
Abercorn
Hertford
Thomond
Exeter
Cholmondeley
Ailesbury
Bristol.

EARLS.

Devon
Westmorland
Winchilsea
Chesterfield
Sandwich
Doncaster (Duke of Buccleuch)
Shaftesbury
Abingdon
Jersey
Home
Orkney
Dartmouth
Tankerville
Aylesford
Harrington
De Lawarr
Hillsborough (Marq. of Downshire)
Digby
Beverley
Mayo
Belmore
Bandon
Rosslyn
Wilton
Limerick
Rosse
Orford
Lonsdale
Harrowby
Verulam
Brownlow
Bradford
Beauchamp
Glengall
De Grey
Falmouth
Vane (Marq. of Londonderry)
Amherst
Ripon

VISCOUNTS.

Hereford
Arbuthnot
Sydney
Hood
Doneraile
St. Vincent
Gordon (Earl of Aberdeen)
Exmouth
Gort
Beresford

BARONS.

De Ros
Willoughby de Broke
St. John
Saltoun
Sinclair
Colville
Reay
Hay (Earl of Kinnoul)
Monson
Sondes
Boston
Bagot
Southampton
Montagu
Kenyon
Braybrooke
Gage (Viscount Gage)
Stewart of Garlies (E. of Galloway)
Saltersford (Earl of Courtown)
Bayning
Bolton
Fitzgibbon (Earl of Clare)
Dunsany
Loftus (Marq. of Ely)
Alvanley
Redesdale
Ellenborough
Manners
Meldrum (Earl of Aboyne)
Prudhoe
Colchester
Ker (Marquess of Lothian)
Clanbrassil (Earl of Roden)
Maryborough
Oriel (Visct. Ferrard)
Ravensworth
Forester
Downes
Bexley
Penshurst (Viscount Strangford)
Farnborough
De Tabley
Wharncliffe
Lyndhurst
Tenterden
Melross (Earl of Haddington)
Cowley
Stuart de Rothesay
Heytesbury
Clanwilliam (Earl of Clanwilliam)
Skelmersdale
Wallace
Fitzgerald
Abinger
De Lisle
Ashburton

ARCHBISHOPS.

Canterbury
York
Armagh

BISHOPS.

London
Winchester
Lincoln
Bangor
Carlisle
Rochester
Chester
Gloucester
Exeter
Llandaff
Down and Connor

PROXIES.

DUKES.

Leeds
Manchester
Northumberland
Buckingham

MARQUESSES.

Camden
Westmeath.

EARLS.

Pembroke
Stamford
Cardigan
Plymouth
Poulett
Morton
Elgin
Airlie
Leven
Selkirk
Macclesfield
Warwick
Buckinghamshire
Hardwicke
Norwich (Duke of Gordon)
Mount Edgecumbe
Liverpool
Mount Cashel
Enniskillen
Lucan
O'Neill
Onslow
Clancarty
St. Germain's
Eldon
Somers
Munster

VISCOUNTS.

Melville
Sidmouth
Lorton
Combermere

Canterbury

BARONS.

Clinton
Forbes
Gray
Dynevor
Walsingham
Grantley
Rodney
Berwick
Tyrone (Marquess of Waterford)
Stuart of Castle Stuart (Earl of Moray)
Douglas
Rolle
Carrington
Wodehouse
Northwich
Farnham
Dufferin
Rivers
Arden
Sheffield (E. of Sheffield)
Ardrossan (E. of Eglintoun)
Hopetoun (Earl of Hopetoun)
Churchill
Harris
Delamere
Wigan (Earl of Balcarres)
Wynford

BISHOPS.

Salisbury
Bath and Wells
St. Asaph
Worcester
St. David's

HOUSE OF COMMONS,

Tuesday, April 26, 1836.

MINUTES.] Petitions presented. By Colonel PARRY, from Attorneys of Pwllwheli, for the Repeal of the Duty on Certificates.—By Sir ANDREW AGNEW, from Conway, Llandigai, Lanllechid, for the Better Observance of the Sabbath.—By Mr. POULETT THOMSON, from the Chamber of Commerce and Manufactures of Manchester, for the Repeal of the Duty on Marine Insurances.

GREAT NORTHERN RAILWAY BILL.] Lord Stormont moved the Second Reading of the Great Northern Railroad Bill.

Colonel *Sibthorpe* had such a decided aversion to the introduction of Railway Bills in that House, that he would move that the present Bill be read a Second time that day six months. He objected to the Bill, that the standing orders had not been complied with, which required, that the plans of the entire line should be lodged with the Clerks of the Peace in the respective counties through which the road was intended to pass.

Major *Handley* would also oppose the Bill, but on far different grounds from those of the gallant Member, though if he (Major Handley) were to consult his own interests, he should support it, as it would be much more convenient for him than any other line. But he thought it was full time for the House to protect the property of individuals against the speculators of the Stock Exchange. The defects of the plans lodged with the Clerks of the Peace were so great, that a man could not trace out the boundaries of his own property, and speculators were allowed to break through gentlemen's estates, parks, and gardens, and oblige them to come up from all parts of the country to protect their property at an expense of between 300*l.* and 400*l.* He wished for a railroad, but he could not consider this "bubble," which was incompatible with the rules and regulations laid down during the session, in that light. He hoped the House would interfere to protect private property from the ruthless hands of rash speculators. He had no hesitation in supporting the motion of the gallant officer.

Mr. *Gilbert Heathcote* was of opinion, that it would be for the public and private interests of the parties to give this Bill a negative, and prevent it from going further. The first information he had of the Bill, was seeing in the newspapers that it had been read a first time, and an hon. Friend of his, the Member for Leicestershire, only heard of it from him (Mr. Heathcote) three days ago. There were two lines before a Committee; of those interested in one he knew nothing, but those engaged in the other proposed none of those encroachments on private rights which were contained in the Bill under consideration. The House should interfere to protect private property, and discountenance the practice of bringing country gentlemen before a Committee, at enormous expense, to protect their properties.

Mr. *Eaton* thought, that in justice to the promoters of the Bill, who had been subjected to heavy expense, they ought to allow it to be read a second time.

Mr. *Harvey* was of opinion, that the best thing in support of this measure was, that it was the third experiment made to get rid of it. Here were two Bills, both professing to go from London to Cambridge, then from Cambridge to York, and afterwards to branch off to the north. If, therefore, they were disposed to destroy the one, they would be favouring the other, and would it not be justice that the Committee should have the competing lines before them, in order to ascertain their respective merits? The House should not run the risk of throwing out that which might be good, and countenancing that which might be bad.

Mr. *O'Connell* protested before, and he would then repeat it, against the House being turned into a Committee upon private Bills, similar to that under consideration. They were nearly all in favour of the principle of railways, aware of the advantages that they would confer on the country; but the merits of each plan could be only ascertained in a Committee.

Mr. *Finch* said, that in this instance the parties had expended considerable sums of money in the undertaking, and had received no intimation of an intention of being opposed. Therefore, he thought it would be better to allow the Bill to be read a second time.

Mr. *Evelyn Denison* said, that the parties engaged in the success of this Bill were already before the Committee. In competing and giving their most strenuous opposition to another line, in pointing out its disadvantages, while they were extolling the merits and utility of their own—in this way, a full opportunity would be given of pointing out the best of the two lines, consequently no inconvenience could be experienced; but, on the contrary, much benefit derived from delay. Under those circumstances, he had very little difficulty in determining to vote against the second reading of the Bill.

Mr. *Pryme* had examined the line with the best possible attention; but so divested were the plans which he had seen of land-marks and other information, that it was impossible for a man to recognise his own property on the entire line.

Lord *Stormont* had listened attentively to the objections raised against this projected railway by the hon. Members who had taken part in the discussion, but in his mind they were not sufficient to induce the House to throw out the Bill. He considered it his duty to press the question, and to take the sense of the House upon it.

The House divided on the second reading:—Ayes 85; Noes 99:—Majority 14.

Bill put off for six months.

BISHOPS IN THE HOUSE OF LORDS.] Mr. *Rippon*, in bringing forward his motion for the exclusion of the Bishops from the House of Lords, said, it may be in the remembrance of some hon. Gentlemen, that, two years since, I brought forward a measure somewhat similar to that which I am now about to offer to the notice of the House. It was received by Lord Althorp, the then Ministerial leader, with contempt and unconcern. " If," said that noble Lord, " I thought that any besides the mover and seconder of this motion were likely to concur in it, I would state the grounds on which I oppose it." The division determined the value of the noble Lord's pretensions to prescience, for although 128 voted against the proposition, no less than fifty-eight recorded their opinions in its favour. This discreet secrecy of the noble Lord having thus deprived me of all opportunity for enlightenment, I am compelled once again to reiterate my arguments; the subject advances in public interest; its former reception did not check, but, on the contrary, forwarded its growth; a spirit of religious reformation is at the present moment stirring in society, which cannot be eluded, nor safely resisted. I entreat hon. Gentlemen to banish from their minds those impediments to improvement—a veneration for antiquity, and a reverence for established practices. I bid them consider, whether the practice of which I complain is really beneficial to the cause of religion, or profitable to the great mass of society. I ask them to review with impartiality, and decide with boldness in the cause of truth. I wish not to assume any counterfeit solemnity, but it is my desire to discuss this question without asperity of language, and without giving needless offence to the feelings or prejudices of any man. It is not my intention to weary the House by detailing the origin and progress of our ecclesiastical system. I am no votary of antiquity. I will not cite the changes of Constantine, nor the edicts of Justinian—I will not describe the usurpations of secular power by the Clergy in this country prior to that time when the Crown was substituted for the tiara—nor will I notice the events of a later period in our history, when the Sovereign and the subject were arrayed against each other in religious strife, when the cry of " No Bishop, no King!" was raised. Suffice for us to bear in mind, that Charles perished on the scaffold, James became an exile from his country, and the House of Stuart was banished for ever from the Throne. My purpose is, to consider the numerous, onerous, and increasing duties which attach to the office of Bishop, with a view to show that these, if properly discharged, afford ample occupation for his time and regard. Under the new arrangement, as proposed in the first Report of the Ecclesiastical Commissioners, 10,400 benefices will be in charge of the twenty-six diocesans—in Lincoln, 780; in Exeter, 635; in York, 595; in Ely 554; and supposing that the whole number were equally allotted, it would give 400 benefices to the superintendence of each Bishop. The second Report of the Commissioners calls for "a further increase of churches and clergymen, to make adequate provision for the religious instruction of a rapidly increased and increasing population." Thus if every benefice had, which it ought to have, and I hope may soon have, a resident pastor, each Bishop would be an Overseer of 400 ministers, and if the alleged wants of the Church were provided for, even of an augmented number. And here I would call the particular attention of the House to a most important, but as I fear, a most neglected object of ecclesiastical policy—the maintaining of a pastoral connexion between the Bishop and his Clergy. Be assured, the highest qualities of moral and religious excellence may fail in producing good results, if the overseer be far exalted in bearing and condition above those who are intrusted to his guidance. It is the duty of a Bishop frequently to visit his Clergy, and ever keep up with them a friendly communication. He should receive them without reserve, and approach them without ostentation. He should examine the interests of the Church in the various parishes, seeing with his own eyes, and hearing with his own ears, not trusting to the reports of partial officials; and if from time to time he were to occupy the parish pulpits, his preaching would give life and energy to the system. He should pay attention to those establishments for early intellectual culture—the village schools—making the qualifications and conduct of the masters objects of examination and inquiry in his parochial visitations. He should diligently scrutinise and carefully ascertain the fitness of those who apply for ordination, not merely by guaging the quantity of Latin and Greek that may be stored in their understandings, but by testing the natural bent, the individual bias towards seriousness of thought and habit, which alone offer hopes of usefulness in the work of the ministry, which alone discover fitness for admission into the holy office of priesthood. It is his duty to administer the rite of confirmation to thousands of children. He has also to discharge a momentous trust, to the proper exercise of which attaches a deep responsibility—the disposal of the ecclesiastical preferment belonging to his see; for it appears by the Report, that 1,248 benefices are now under the patronage of the Bishops. He is bound to bestow it with regard to the spiritual wants of the community, not with consideration to the requests of importunate friends, or desirous connexions; it is his duty to seek out and advance the worthy and meritorious, who will exhort with diligence, who will encourage by example, who will be faithful and laborious in the cause of religious truth. These are the duties; but I wish not to weary with details. I hope that I have fairly and sufficiently set forth the matters for episcopal superintendence and ministration; and now I would ask, whether these spiritual cares are not sufficient, and more than sufficient to occupy the time of a Bishop, however active in his exertions, however eager in his solicitude? and if so, let me further inquire, whether it be reasonable to superadd to this over-burdened spiritual shepherd a weighty and responsible office in the State—whether you can discover any congruity between a Christian overseer and a political agent? The ends for which the Christian Church was founded are spiritual, and wholly relate to the next world; her ministers must dedicate themselves, with vigorous and unremitting diligence, to the maintenance of religion, and to the instruction of mankind in the principles of true piety. The divulgement of precepts, and the establishment of internal forms, can never communicate the spirit of religion, unless the lives and conduct of its professed teachers be in accordance with the spirit of the gospel. Are prelatic pomp, the throne, the palace, and the lordly title, in conformity with the purity of Protestantism and the simplicity of Christianity? Are they not rather a remnant of papal corruption—a vicious practice of that Church whose doctrines you reject, but whose splendours you covetously retain? Is an attachment to such vanities becoming in those who ought to be patterns of humility, benevolence, and heavenly-mindedness; and may it not create a notion, that while teaching the duty of others, they are not altogether mindful of their own, and thus induce the people to receive their doctrines with suspicion, if not to reject them altogether with contempt? Weigh well these dangers to spiritual advancement, before you reject as wild and visionary the proposition which I make. I am, and always have been, a member of the Church Establishment. I am free, I trust, from sectarian prejudice, but until I am informed as to the evils and dangers which would result from this change, I must preserve an honest and conscientious opinion of its necessity and its benefit. And now I will consider the only plea that I have ever heard put forth in justification of the practice of Bishops sitting in Parliament—that they may represent the interests, and defend the rights of the Church. The Church, as a spiritual community, has no concern with secular government. The Establishment has property which is duly represented, and its ministers enjoy the same privilege as other citizens in voting for the election of Members to this House, and as far as I have seen they exercise their power with an eagerness and zeal that cannot be surpassed. But if the Bishops were really meant to be the representatives of the Church, then undoubtedly they should be elected by the clergy, whereas they are appointed nominally by the Crown, virtually by the Minister of the day, and always with regard to their political opinions. In the House of Lords they form a body insignificant in number; they have no veto in ecclesiastical questions—and it is clear, therefore, that unless the laity in the two Houses are favourable to the Establishment, it cannot be upheld even by the combined energies of thirty Bishops sitting in an assembly of near 400 Members. But the practice is not merely useless, it is positively injurious—serious evils result from their meddling in political affairs—their votes have often secured the most active popular hate, not only to themselves, but towards their office. Why subject them to the suspicion of political servility, thus diminishing the effect of their spiritual influence? Why not confine their care to the superintendence of the hundreds of pastors, and hundreds of parishes committed to their charge, and the numerous duties attaching to their ecclesiastical office? In the name of religion I ask this change. I cannot believe that the Bishops are pervaded with a spirit so purely worldly, as to desire a continuance of the present system, thus fostering the accursed principles of covetousness, ambition, and pride—thus clinging to worldly pomp and political intrigue—thus cherishing the desire for pre-eminence, and the love of filthy lucre. I wish to regard them in their proper character—as heralds of heavenly truth, gifted by God, and elected by the Church—faithfully attendant on the duties of parochial superintendence, contemning the chair of pontifical pride, despising the emptiness of spiritual dignity, and shunning the temptations of secular high office and employment. Make not a high religious office the qualification for a political office; think of the benefits that will result to the Church by securing the continuous inspection of a vigilant hierarchy, and remember that such can only be maintained by limiting the regard of the Bishops to their spiritual stewardship, thus enabling them to devote themselves with singleness of heart to the holy and peaceful duties of their sacred calling. I move this resolution, "That the attendance of the Bishops in Parliament is prejudicial to the cause of religion."

Mr. *Gillon* seconded the motion, and said, that when his hon. Friend had brought forward his motion in 1834, he had had the honour of seconding it. He did so on two grounds, both political and religious. He placed the political grounds first, because he should advert to them but slightly on the present occasion as they were not, indeed, included within the scope of the present motion. He had, however, supported that motion on political grounds, as a means of effecting a partial Reform in one branch of the Legislature, of bringing the two Houses of Parliament more into unison one with another. He had considered, that as the dignitaries of the Church had always been on the side opposed to the people, as they had ever lent their ready aid to any imposition which was to affect their comforts, or any gagging Bill which was to diminish their liberties, a more simple way was thus afforded of reforming the House of Lords by substracting from, rather than by the somewhat clumsy and inconvenient expedient of adding to their numbers. Subsequent events had somewhat tended to change his opinions, and did the question now before the House rest on no grounds but those of political expediency, he should hesitate somewhat as to the vote he should give. The other branch of the Legislature had since that period proved itself so utterly at variance with the public mind, hereditary legislation had been proved to be so vicious in practice as well as absurd in principle, that he confessed he despaired of the efficacy of any partial reforms; and he was inclined rather to leave matters as they were, to leave the House as it was, with all its imperfections on its head, until the necessity of a more stringent and sweeping reform should have been more fully established. He was mistaken if on that very night that right hon. House, by refusing to one portion of the empire that justice which had been extorted from them in regard to England and to Scotland, did not give a practical illustration of the truth of his present remarks. His hon. Friend had since, however, taken up a principle to which he could not deny his assent. He would refer to history, and ask whether the experience of all times had proved that the progress of pure religion had been in proportion to the wealth and dignity of the priesthood, or if it had not rather been in the inverse ratio? In the early ages of Christianity had the teachers of that mild and tolerant creed been of the great of the land, the magistrates, and the legislators of the day? or had they not been humble individuals, without pomp and without state, subject to much persecution, and recording, by the sacrifice of their lives, their devotion to the holy cause which they maintained? And it was only when these doctrines were spread, when they were adopted by the great ones of the earth, that those corruptions crept in which had debased the purity of the Christian Church, and degraded the minds of men under low and grovelling superstition, and deluged the world with blood, profanely shed under the sacred name of religion. And it would be found at the present day, that the more you separated the teacher of the Word from the pomp and vanities of this world, not only the more would be his leisure to attend to the duties of his more holy calling, but the more would be the influence he would possess in leading and directing the minds of his flock. He conceived the duties of a Legislator and divine altogether incompatible. He could not forget what the right hon. Gentleman, the Member for the University of Cambridge, had told them on a former occasion, that so important were the duties of the Bishops that he proposed to add to their number; and he would ask with a reverend divine, a distinguished member of the Established Church, what connexion of a useful kind there is between a stormy debate in the House of Lords with the peaceful tenor of life and manners which became an ecclesiastic? He earnestly desired to see the ministers of all persuasions efficient for the promotion of the great ends of their calling. Why remove the heads of the Church of England from their peaceful walk of life, and from duties so important, to the frivolities of a Court and the dissipation of a capital, which must disgust men of their holy bearing; or to the turmoils of political life, which must be so foreign to their wishes and desires? Was the cure of souls so light a matter, that to that they would add the labours of legislation? Was the pride and pomp of Court parade adapted to the pursuits or wishes of the disciple of a meek and lowly Master, whose kingdom was not of this world? Was the political arena, with its strife and its rancour and its jarring of passions, a fit place for the presence of a messenger of peace? He would remove the dignitaries of the Church from these frivolities, from the worldly parades, and the scenes of strife, which, if they corrupt not their minds, place them at least within the reach of suspicion; and he would limit their exertions to the proper sphere of their usefulness, where, by devoting themselves to the all-important duties of their office, they might, in the increased progress of the religion which they taught, and in the respect and veneration which must attend them, reap the rich reward of their conscientious labours.

Mr. *Trevor* was extremely sorry to occupy the time of hon. Members, but he thought he should ill discharge his duty if he did not stand forward to make one or two observations upon the motion. Knowing as he did the avowed opinions of the hon. mover, he was not surprised at the course he had taken. [*Question.*] He assured hon. Gentlemen, that he was not to be put down, or driven from the discharge of what he believed a duty. He trusted that the House would treat the motion in such a manner as to mark its sense of, and even its indignation at, such a proposition, and this might preclude its early re-introduction. So far from being of opinion that the attendance and votes of the Bishops were derogatory to the interests of religion, he thought it of the utmost importance. Even at present the Church was inadequately represented in the House of Lords, and if the Bishops were excluded its interests would be neglected altogether. So long as he had a seat in that House, so long would he enter his protest against such a motion as that now in the hands of the Speaker; and, in addition, he would enter his protest against the observations of the hon. seconder respecting the conduct of the other branch of the Legislature. He hoped the House would reject the proposition by a most decided negative. He apologised for having occupied so much time, especially as his observations seemed most of all unpalatable to his own side of the House. No power on earth should induce him to shrink from doing his duty as an independent Member of Parliament

Mr. *Lawson* begged to congratulate the House on the alteration of the terms of the motion of the hon. Member for Gateshead. That he had been obliged to withdraw the insulting proposition, of "relieving the Bishops from their attendance in Parliament," and to substitute this more modified one, argued an improved state of religious feeling in this House and the country. Without offering any further observations, he should best record his own opinions, and test the sincerity of the hon. Member's attachment to the Church, by requesting him to add to his Resolution these words, "And that it is the opinion of this House, that on any new appointment of Bishops, their residence in their dioceses be strictly provided for; and that the Archbishop of Canterbury and the Bishop of London alone shall attend in the House of Lords, as Representatives of the Church, holding the proxies of the other Bishops on motions connected with ecclesiastical affairs, thereby upholding the connexion of Church and State, removing any just cause of dissatisfaction, and ensuring the efficiency of the Ecclesiastical Establishment." If this addition were made, he would support the motion; if not, he should oppose it.

Lord *John Russell* said, that he only rose for the purpose of assuring the hon. Gentleman who made the motion, that it was not through any want of respect to him, or the reasons which he advanced in support of it, that he should decline entering into any general discussion on that occasion. His opinion was, tat it would lead to no practical end. Neither the House nor the country were disposed to entertain a proposition of the kind. He could assure the hon. Gentleman, that if he were to enter upon the discussion of this subject at all, he could not do otherwise than use arguments relating to the Constitution of this country, the state of its religion and the functions of the Bishops; a course which, in the present disposition of the House, he was persuaded he should do very ill to adopt. Therefore he should only assure the hon. Gentleman, that he gave him credit for the conviction, that the object of the motion would be for the benefit of religion; but, on the other hand, he was anxious that the hon. Gentleman should not suppose that he did not believe that there were grave and sufficient reasons for his voting against the motion.

Mr. *Charles Lushington* said, that though he might not himself have the fortitude to resist the wishes of the majority of the House, he could not but condemn the course adopted by the noble Lord of—again quashing a question so important to the interests of the Established Church, and so essential to the maintenance and purity of religion.

Mr. *Rippon* stated that all he would say was, that if the noble Lord or any other hon. Gentleman thought he was to be put down in this sort of way he was very much mistaken, for he could assure them that if he had the honour of a seat in the House during the next Session, he should again submit his motion.

The House divided—Ayes 53; Noes 180; Majority 127.

List of the AYES.

Bewes, T.
Bish, T.
Bowes, John
Bridgeman, H.
Brotherton, J.
Buckingham, J. S.
Chalmers, P.
Chapman, M. L.
Codrington, Admiral
Collier, J.
Duncombe, T.
Elphinstone, H.
Evans, G.
Ewart, W.
Fergus, J.
Ferguson, Sir R.
Gisborne, T.
Grote, G.
Gully, J.
Harvey, D. W.
Hastie, A.
Hindley, C.
Horsman, E.
Hume, J.
Humphery, John
Leader, J. T.
Lushington, C.
Mangles, J.
Marjoribanks, S.
Marsland, H.
Mullins, F. W.
Nagle, Sir R.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Oliphant, L.
Oswald, J.
Parrott, J.
Pattison, J.
Pease, J.
Philips, M.
Potter, R.
Pryme, G.
Roebuck, J. A.
Talbot, J.
Thompson, Colonel
Thornely, T.
Villiers, C. P.
Wakley, T.
Wallace, R.
Warburton, H.
Wemyss, Captain
Williams, Sir J.

TELLERS.

Rippon, C.
Gillon, W. D.

List of the NOES.

Alsager, Captain
Angerstein, J.
Arbuthnot, hon. H.
Ashley, Lord

Barclay, D.
Barclay, C.
Baring, F. T.
Baring, F.
Baring, H. B.
Baring, W. B.
Baring, T.
Barnard, E. G.
Barneby, J.
Bell, M.
Bentinck, Lord W.
Beresford, Sir J.
Bethell, R.
Blackburne, I.
Bonham, R. F.
Brownrigg, S.
Bruce, C. L. C.
Brudenell, Lord
Burrell, Sir C.
Calcraft, J. H.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Chaplin, Colonel
Charlton, E. L.
Chichester, J. P. B.
Churchill, Lord C.
Clerk, Sir G.
Codrington, C. W.
Cole, Lord Viscount
Compton, H. C.
Conolly, E. M.
Cowper, Hon. W. F.
Damer, G. L. D.
Darlington, Earl of
Denison, W. J.
Dick, Q.
Donkin, Sir R.
Duffield, T.
Dugdale, W. S.
Dundas, J. D.
Egerton, W. T.
Egerton, Sir P.
Elley, Sir J.
Estcourt, T.
Estcourt, T.
Fancourt, Major
Fazakerley, J. N.
Fielden, W.
Ferguson, Sir R. A.
Finch, G.
Fleming, J.
Forbes, W.
Fremantle, Sir T.
Geary, Sir W.
Gladstone, T.
Gladstone, W. E.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, Sir J.
Greene, T.
Gresley, Sir R.
Grey, Sir G.
Grimston, Lord
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, J.
Hanmer, Sir J.
Harcourt, G. G.
Hardinge, Sir H.
Hardy, J.
Harland, W. C.
Hay, Sir J.
Hayes, Sir E. S.
Heathcote, G. J.
Hogg, J. W.
Hope, J.
Hotham, Lord
Howard, P. H.
Howick, Lord
Hoy, J. B.
Hurst, R. H.
Ingham, R.
Inglis, Sir R. H.
Johnstone, Sir J.
Johnstone, J. J. H.
Jones, T.
Irton, S.
King, E. B.
Knightly, Sir C.
Labouchere, rt. hn. H.
Lambton, H.
Law, hon. C. E.
Lawson, A.
Lees, J. F.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lincoln, Earl of
Loch, J.
Lucas, E.
Lushington, hon. S. R.
Lygon, hon. Colonel
Mackinnon, W. A.
Maclean, D.
Mahon, Lord
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. J.
Mordaunt, Sir J.
Mosley, Sir O.
Mostyn, hon. E.
North, F.
O'Brien, W. S.
Owen, H. O.
Packe, C. W.
Parker, M.
Peel, rt. hon. Sir R.
Peel, rt. hon. W. Y.
Pemberton, T.
Phillips, G. R.
Pinney, W.
Pollen, Sir J. W.
Poulter, J. S.
Poyntz, W. S.
Price, Sir R.
Pringle, A.
Pusey, P.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Richards, J.
Ridley, Sir M.
Robarts, A. W.
Robinson, G. R.
Ross, C.
Rushbrooke, Colonel
Russell, Lord J.
Ryle, J.
Sanderson, R.
Sanford, E. A.
Scott, Sir E. D.
Scott, J. W.
Shaw, right hon. F.
Sheppard, T.
Sinclair, Sir G.
Somerset, Lord E.
Somerset, Lord G.
Stewart, Sir M. S.
Stormont, Lord
Sturt, H. C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Thomas, Colonel
Trevor, hon. A.
Trevor, hon. G. R.
Turner, W.
Tynte, C. K.
Vere, Sir C. B.
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R.
Wall, C. B.
Welby, G. E.
Weyland, Major
Wilbraham, hon. B.
Williams, R.
Wortley, hon. J. S.
Wrottesley, Sir J.
Wynn, right hon. C. W.
Young, G. F.
Young, J.
Young, Sir W.

TELLERS.

Maule, hon. F.
Colborne, R.

Select Vestries (Bristol).] Mr. *Leader,* in moving for a Select Committee to inquire into the constitution and operation of Select Vestries in the city of Bristol, presented a petition numerously signed by parishioners and rate-payers of that city, charging the Select Vestries with refusing to allow them to inspect their account-books; with making surcharges of rates upon some inhabitants to make up for the defaulters, who were in general their own political partisans, all those who were surcharged being Dissenters; with making unequal and illegal assessments, thereby depriving many persons of votes to which they were entitled; with making the collectors inconveniently press their political adversaries, and favour their friends; and with squandering the public money improperly, and for party purposes. In fact, the hon. Member said, he accused them of being self-elected, irresponsible, corrupt, and corrupting. He was sure there would be no peace in Bristol until some remedy was applied to this enormous evil. He was prepared with evidence to prove the truth of the allegations he had stated, if the House would give him an opportunity; but if they refused, he gave the hon. Baronet opposite (Sir Richard Vyvyan) fair warning that, perhaps this Session, but certainly next Session, he would introduce a Bill, either applicable to Select Vestries throughout the country, or to the case of Bristol only.

Sir *Richard Vyvyan* said, that he had to present a counter-petition, which was most respectably signed, and which entirely contradicted the whole of the accusations of the other petition. That was the very best answer he could make to the statements of the hon. Member for Bridgewater, who he believed had been misled by the misrepresentations of others. Nothing could be more untrue than the charges which had been made; but if there were any evils to be removed, the rate-payers had the power in their own hands. As to the warning which the hon. Member had given him, he would remind him that the experiment had been tried before, and that it failed because it was not supported by the parishioners; and, therefore, he (Sir Richard Vyvyan) would not be the only opponent which the hon. Member would have to contend against.

Lord *John Russell* expressed a hope that the motion would not be pressed. He did not think a sufficient case had been made out to induce him to agree to it.

Motion withdrawn.

TAX ON WINDOW GLASS.] Mr. *William Smith O'Brien:* Sir, I rise according to notice, to move the Repeal of the Tax on Window Glass; and, however inconvenient it may be to the right hon. Gentleman, the Chancellor of the Exchequer, to bring forward motions of this description before he has made his financial statement, yet I consider any Member is perfectly justified in claiming that relief which he thinks is called for by any particular class of the community; besides which, Sir, I conceive myself justified in bringing forward this motion, by the example of two hon. Members who have already brought forward questions relative to the taxation of this country. Those hon. Members were doubtless influenced in the course they pursued by a conviction of the necessity that existed for extending relief to those particular portions of the community whose claims they advocate; and I own Sir, I am influenced in the motion I am about to make by the same motive, my object being to give relief to a most useful class of men, viz. the glass manufacturers; and though I will not argue this as an Irish question, I will acknowledge, that being deeply interested in the welfare of the Irish peasantry, I should be glad if the incidental consequence of the Repeal, or reduction of the duty on glass, shall be to materially improve the condition of my fellow countrymen.

An *Hon. Member* moved, that the House be counted, but there being more than forty Members present, no adjournment took place.

Mr. *O'Brien:* I confess I am surprised at finding a question of such importance met in this way; however, as it will be impossible for me, in the present disposition of the House, to press it upon their attention, I withdraw my motion for the present. At the same time, I do protest against the system so frequently adopted, of getting rid of an inconvenient motion in this manner.

Motion withdrawn.

NOVA SCOTIA.] Mr. *Hume* moved an humble address for copies of the Addresses from Nova Scotia to his Majesty in the years 1834, 1835, and 1836, respecting the foreign trade of that province, and the Customs' establishment. He believed, that no objection would be made to the motion, his object being, that an inquiry should be set on foot to obtain information with regard to the trade of the colony, and the mode in which the Customs' duties were managed. The annual amount of those duties did not exceed 14,000*l.*, while a sum of no less than 10,000*l.* a-year was expended in paying the officers, and maintaining the Customs' establishment of that colony; and his complaint was, that due attention had not been paid to the remonstrances of those who had addressed his Majesty upon the subject, and who justly felt aggrieved that the Government had so long neglected to attend to their earnest prayers for inquiry. Let the House just look at the salaries of the Customs'-house officers in this colony:—there was 2,000*l.* for the Collectors; the Comptroller General of Customs, 1,000*l.*; two Tide-waiters, 800*l.*, &c. These were but specimens of the sums that were squandered in this department, without securing for the inhabitants of the colony that efficient Customs' system which they had so long unsuccessfully demanded.

Mr. *Arthur Trevor* moved, that the House be counted; but there being forty Members present,

Mr. *Hume* continued: he contended, that if the present system was allowed to go on, it would be impossible that this country should govern her colonies with satisfaction to the colonists, and credit to herself. He thought a good case was made out for demanding these papers. The hon. Member concluded by making his motion.

Motion agreed to.

HOUSE OF COMMONS,

Wednesday, April 27, 1836.

MINUTES.] Bills. Read a second time:—Copyhold; and Copyhold Enfranchisement.

Petitions presented. By Sir EARDLEY WILMOT, from the Chamber of Commerce, Newcastle-upon-Tyne, for the Equalization of the Duty on East and West-India Sugar.—By Mr. GISBORNE and Sir GEORGE STRICKLAND, from various Places, for the Repeal of the Duty on Newspapers.—By several MEMBERS, from various Places, for the Amendment of the Factories' Act.—By Sir GEORGE STRICKLAND, from the Innkeepers of Barnesley, for the Repeal of the Duty on Spirit Licenses.—By Lord CLEMENTS, from Carrick-on-Shannon, for Assistance towards the Improvement of the Navigation of the Shannon.—By Mr. JACKSON and Captain PECHELL, from various Places, for the Repeal of the Duty on Marine Insurances.—By several MEMBERS, from various Places, for the Better Observance of the Sabbath.—By Sir EARDLEY WILMOT, from the Solicitors of Birmingham, for the Repeal of the Attorney Tax.—By Major CUMMING BRUCE, from Nairn and Fortrose, for an Alteration of the Law relating to Burghs being Compelled to Aliment Prisoners after Condemnation.

ANNUITY TAX (EDINBURGH).] Mr. *Gillon* had to present to the House the petition of Mr. Thomas Chapman, now a prisoner in the gaol of Edinburgh, at the instance of the clergy of that city, for arrears of annuity tax, which was levied there for their support. The petitioner complained of the unequal and oppressive nature of that tax, and he also objected to it upon conscientious grounds. He stated, that his conscience forbad him to contribute to the support of the clergy of a church which in its conduct violated the commands of Scripture. He stated, that the hardship in his case was aggravated by the circumstance of his being in a very delicate state of health, and he prayed the House to relieve him by setting him at liberty, and enabling him to pursue his avocations without further molestation. He (Mr. Gillon) had to state, that there was also at present imprisoned in the gaol of Edinburgh, Mr. Thomas Russell, a member of the town-council of that city, who was confined, likewise, because he refused to pay this tax. These facts furnished a specimen of the spirit with which the Edinburgh clergy endeavoured to enforce the collection of this odious imposition. The subject had excited a considerable commotion in Edinburgh, and it was one in every way worthy of the attention of the House. He would just state to the House the nature of this tax, and the results that had recently flowed from the attempt to enforce its payment. It consisted of six per cent. upon all houses and shops in the city of Edinburgh, and was levied for the support of the clergy of that city. It was originally imposed by an Act passed in 1649, and that Act was confirmed by a subsequent Act in 1661. These Acts imposed six per cent. upon all houses in the city of Edinburgh for the support of the clergy, but they limited the amount to be so levied annually to 19,000 marks, a little more than 1,000*l.* sterling.

The *Speaker*, interrupting the hon. Member, inquired whether he intended to end with a motion, as otherwise he had better at once state the prayer of the petition.

The *Attorney General* observed, that he had a petition to present from his constituents in Edinburgh, praying for the abolition of the tax.

The *Speaker* remarked, that it was not usual to discuss petitions, unless they referred to a particular personal grievance. As far as he could gather the prayer of the present petition from the statement of the hon. Member, the petitioner prayed the House to do that which it was not in its power to do—namely, to set him at liberty.

Mr. *Gillon* said, that the petitioner also prayed for the abolition of the tax as unscriptural and oppressive; and he would submit that such a prayer came perfectly within the scope of the powers of the House. He had mentioned the limitation which was imposed on the amount of this tax by the original Acts under which it was collected. In the year 1809, however, a Bill was introduced—

Sir *George Clerk* rose to order. He observed, that it was not in the power of the House to grant the prayer of this petition, and he thought that after the suggestion from the Chair, the hon. Member should not proceed with this discussion. There could be no objection to the hon. Member's presenting the petition, but it was exceedingly inconvenient to go into the discussion of an important question like this on the presentation of a petition. At all events, if the hon. Member should go into a lengthened statement on the subject, he hoped that the House would indulge those on the opposite side of the question with an opportunity of replying to him.

The *Attorney General* apprehended that the petition might be received.

The *Speaker* had merely observed that its prayer did not seem to come within the legitimate jurisdiction of the House.

Mr. *Gillon* said, that the object of the petitioner was the abolition of the tax—that was what he wanted to achieve. Now, it appeared to him (Mr. Gillon) that such a subject was fairly entitled to the consideration of the House for this odious tax—

Mr. *Cumming Bruce* rose to order. He submitted that this subject might be properly discussed, if a general motion were brought forward in reference to it. Let the hon. Member give notice of a motion for the repeal of the tax, and then the matter could be debated. The time for the presentation of petitions was extremely limited, and it should not be expended upon the discussion of a single petition of this nature.

Mr. *Gillon* said, that this attempt to stifle the voice of a victim of clerical oppression should not succeed. He appealed to the justice of the House on the part of Mr. Chapman, who was suffering from conscience sake.

The *Speaker* would suggest to the hon. Member, that the best way was to present the petition now, and to give notice of a motion on the subject for some future day.

Mr. *Gillon* submitted, that he was quite in order in going on with the discussion. If he were to give a notice on the subject, he would then be met by the rule as to the introduction of private Bills, this annuity tax being confined to Edinburgh and another town in Scotland, Montrose, and being collected under a private Act of Parliament.

Mr. *Methuen* rose to order, and submitted that the hon. Member should not go on against the opinion of the Chair and the declared sense of the House.

Mr. *Gillon* earnestly hoped the House would not sanction this attempt to stifle the cries of the victims of oppression under this law. The annuity tax was a tax of six per cent. on houses, shops, &c. in Edinburgh, laid on by two Acts of the Scottish Parliament, of 1649 and 1661, but specially restricted to the support of six ministers, and to the sum of 19,000 marks, a little more than 1,000*l*. sterling. In the year 1809, notice had been given to Parliament of a Bill to extend the royalty of the city, and no other notice had been given; yet, into this Bill the corrupt town-council of that day had fraudulently introduced a clause legalising the collection of the whole six per cent., long after it had exceeded the amount of 19,000 marks, and extending it over the extended royalty of the city. It was specially to be remarked that this tax was confined to Edinburgh and Montrose, and extended to no other town in Scotland. It was particularly unequal, because, while all the industrious classes —the shop-keepers, artisans, &c.—were compelled to pay it,—the richer classes——the writers, barristers, and judges—who, by a strange perversion of terms in this instance, formed what was called the College of Justice—were totally exempt. Mr. Russell and Mr. Chapman object also to the payment of this tax, as it violated the rights of conscience, by compelling them to contribute to the support of that from which they dissented. The conduct of the clergy of Edinburgh, on the present occasion, had been marked with features of tyranny, such as had rarely met the sight of this House. Had the collecting of the money been the only object in view, they might have obtained this, by arresting the debts due to those individuals, but the clergy had travelled out of their road to inflict an act of gratuitous severity, and to insult the citizens of Edinburgh, by immuring two of their body in gaol, one of them one of the local representatives of the place, a Member of the town-council. His belief was, that if their power were equal to their inclination, they would not, in pursuit of their stipends, confine themselves to this act.

Mr. *Cumming Bruce* rose to order. He submitted that the hon. Member was travelling out of the subject matter of the petition for the purpose of making an attack upon the clergy.

Mr. *Gillon* said, the clergy of Edinburgh had talked much of excavating and converting the Heathen, and had even asked for a grant of money from this House for that purpose; but they were likely to have but little success in this undertaking, whilst they showed themselves rather as the wolves to prey on, than the shepherds to defend, the flocks.

The *Attorney General*, interrupting the hon. Member, said, that he had the same object in view as his hon. Friend. He deprecated, as much as possible, the continuance of this annuity tax, the existence of which was to be lamented by all who wished well to the clergy and people of Scotland. His most earnest wish was to see this tax abolished. But he thought that that object would be best promoted by having the question discussed when it was brought fully and fairly under the consideration of the House. He would suggest to his hon. Friend not to persist in this discussion against the generally expressed wishes of the House. He was himself anxious to present a petition against the tax from his constituents in Edinburgh; but he thought that the discussion of the subject should be reserved for a motion.

Mr. *Gillon* continued.—One thing he begged to tell the House—they must either repeal this tax, or be prepared to give a grant of money to build more gaols in Edinburgh, as the one now there, large as it was, would be inadequate to contain the victims who must be incarcerated ere this tax could be levied. To the meeting which had been held in Edinburgh he had given an advice which he would here repeat, that it was only by following the example of Messrs. Russell and Chapman, that they could hope to be relieved of this burthen, and by opposing to those extortionate demands the effectual measure of passive resistance. He supposed he should be told it was the law of the land, and that they must comply with it. He asked what bad law or oppressive tax had been got rid of without agitation? And he contended, that as this act had been surreptitiously passed, neither by the law of God nor man were the citizens of Edinburgh bound to compliance. One word as to the meeting at Edinburgh, over which he had the honour to preside. It was a very numerous meeting, a highly respectable and most orderly one; but they were one and all animated by the most calm and steady determination to get rid of this burthen.

The *Attorney General* said, that he rose to present a petition from his constituents against this tax. He felt it due to the station he held to say, that he differed totally from the advice which the hon. Member had given to a meeting in Edinburgh. When on the hustings in Edinburgh he told his constituents that the law must be obeyed, that while the tax was the law of the land it must not be resisted, and that however much the existence of the thing was to be deprecated, yet that while it was the law it must be received with respect by all loyal subjects. While he said this he would say, that, as a sincere friend to the church of Scotland and the people of Scotland, he was most anxious to see this tax repealed. He would avoid entering upon the discussion of the general question until it was regularly brought before the House.

Sir *George Clerk* said, that he would not go at length into the subject on this occasion, when it had been so irregularly brought under the consideration of the House. He must say, that the advice which the hon. Member had given, as he avowed to the meeting in Edinburgh, was one that would not receive countenance in that House. He did not stand up to justify the policy of the house-tax in Edinburgh; on the contrary, he should be extremely glad to see some alteration in the law with respect to it, but he begged leave to say, that the clergy of Edinburgh had given their assent to the Bill which had been brought in last session, and it was rather of the hon. and learned Gentleman opposite than of the clergy that those persons who would not pay their just debts ought to complain. He wished to know why the Report of the Church Commissioners had not been presented, for he believed it was ready. He thought they should be called upon to present it with as little delay as possible.

Mr. *Hume* observed, that as Montrose and Edinburgh were the only places in which this difference existed, it would not, in his opinion, be very difficult to get rid of it.

Mr. *Wallace:* In rising to present two petitions on this most important subject, one of which is from Mr. Councillor Russell, and the other from a large number of persons in the town of Perth, I will speak of it as a very grave subject, and eminently deserving the attention of the Legislature. I agree entirely in the description given of the annuity-tax by the learned Attorney General, and in thinking it no less scandalous than strange, that the whole of the learned profession in Edinburgh, composing the wealth and influence of that city, should have contrived to keep themselves free of a tax no less odious and oppressive than unjust, because of its unequal pressure. I am glad to see the noble Lord, the Secretary for the Home Department, has just taken his place, so that I may inquire if any plan has been devised, or any scheme is in progress, for putting an end to this cause of continual strife between the inhabitants of Edinburgh and their clergy. An end must be put to it by some means or another, and I do trust the Government will lose no time in devising some plan for this purpose. All classes of the community, Churchmen and Dissenters, are equally bent on the attainment of this object. I will, in consequence of the suggestion from the Chair, and the evident feeling of the House, desist from entering at large into this question as I had intended to do, but I must say, however gravely it is my determination to treat of it, that unless some other means be devised for abolishing the tax, I will approve of a Bill being brought in for laying it exclusively on that class who have hitherto had no share in its payment. The College of Justice is the richest, the largest, and the most learned in Edinburgh. They must be best able to pay it, and it will be but justice they should do so for five or seven years, or until they have expended an amount equivalent to that which has been saddled on the community of Edinburgh, certainly with their knowledge and consent, if not by their connivance with the magistrates and clergy; but by some means or other this tax must be put an end to. I do hope to hear from the noble Lord that the attention of Government has been directed to it. I now beg leave to bring up the petition of Mr. Councillor Russell, presently in the gaol of Edinburgh, and also the petition from the city of Perth, signed by nearly 700 of its respectable inhabitants, who sympathize with Mr. Russell, and pray that some means may be devised by this House for abolishing the annuity-tax.

Lord *John Russell* was very glad that a reference had been made by the right hon. Gentleman opposite (Sir G. Clerk) to the Church Commissioners. They certainly had investigated the state of the church so far as regarded Edinburgh, and he had understood the right hon. Gentleman to have said, that the Report upon that subject was ready to be sent to him (Lord J. Russell). Now, he had been informed by one of the Commissioners, that there was a question amongst them whether it would be expedient to present the Report of the city of Edinburgh, in which one part of the subject was incomplete, or whether they ought to complete that part of the inquiry and make a complete Report. They had an account of the number of churches, but they had not an account of the funds which were applicable for church purposes. The question having been addressed to him with an inclination to know his opinion, he stated that he thought the Commissioners themselves were far better judges on that subject than he was, and that it would be better that they should come to an opinion amongst themselves, as to whether they were then ready to make a Report upon the city of Edinburgh; but, at the same time, that he did expect, according to the original instructions issued to the Commissioners, that if they were not prepared to make such Report, that they should make a Report stating the reasons and grounds upon which they thought it would be expedient to make such a Report at the present moment, and also stating what had been the course of their proceedings, circumstances which the Government and Parliament had a right to require of them. He presumed they would take either of these two courses, but they had not yet stated which course they would adopt, and he had not received either a Report of the city of Edinburgh, or a statement of the reasons why they were not able to make such Report. These, then, must be his reasons, and he felt sure they would be considered conclusive against his taking into account any Report that might be made by the Church Commissioners. He quite agreed in what had been stated generally—indeed, he believed, on every side of the House, upon this subject—namely, that it was very expedient and desirable to have some settlement of it. He must say, with regard to the difficulties which stood in the way of that settlement, that they had not been created by his Majesty's Government, but had arisen from events which had taken place long since. Notwithstanding these difficulties, however, he thought if they were only to concur in what might be looked upon as reasonable, it would be easy to overcome them in endeavouring to frame a measure upon the subject; but as it seemed to him that opinions were variously formed, both on one side and the other, he must say, that although it would not in itself be difficult to frame a measure, yet that it would be extremely difficult to frame one in which parties would generally concur.

Sir *William Rae* said, there were about two-thirds of the landed proprietors in Scotland Episcopalians, and as well might they object to pay tithes as might the persons object to pay the house-tax who had suffered themselves to be arrested. In the one instance the tithes were paid from the land, in the other from the houses. He hoped at the proper time to be able to satisfy the House that there was no just cause of complaint, and that the Attorney

General had no just grounds for the charge he had made against his brother practitioners at the Edinburgh bar.

The *Attorney General* denied, that he had made any charge against them. He had only said, they neither paid to church or poor.

Petition laid on the Table.

Appellate Jurisdiction.] Mr. *O'Connell* begged to ask the hon. and learned Attorney General whether, in the Bill about to be brought in by the Government for the reform of the Courts of Equity in England, it was intended to introduce a clause to prevent a practice which was not consistent with the due administration of justice—namely, that of a Judge hearing an appeal from his own decision in the Court below?

The *Attorney General* conceived that, even if he were aware of the enactments to be brought forward elsewhere on the subject referred to by his hon. and learned Friend, he doubted, before the measures were brought forward, whether he should be at liberty to disclose them. Although he disapproved as much as his hon. and learned Friend could do of the practice of appealing from a decision of the Lord Chancellor sitting in the Court of Chancery to the Lord Chancellor sitting in the House of Lords, he thought it would be very inexpedient to say, that no Judge who had determined a case should sit as a Judge in the Court of Appeal. He was of opinion, that as a member of that Court he would be very useful.

Mr. *O'Connell* said, that the answer of his hon. and learned Friend did not apply to the question he had put. No doubt the assistance of the Judge who decided the case might be very useful in affording information to the Court, as was the case at *Nisi Prius* on applications for new trials. His question was, whether a Judge should be allowed to sit to determine a case on appeal which he had himself decided in the Court below;—whether he should be allowed to volunteer to do so, as had in some instances been the case?

Subject dropped.

Agricultural Distress.] Lord John Russell having moved, that the Order of the Day be read,

The Marquess of *Chandos* rose to address the House. He really felt very sorry to find, that any difficulty had been raised with reference to proceeding on this motion, which, however, he felt, would not take up much time. He therefore hoped that the hon. Member for Sheffield would have an opportunity to move the second reading of his Bills, as the hour, moreover, was early. He had, on several occasions before, endeavoured to bring before the House the propriety and necessity of affording some relief to the agricultural interest. He had failed to succeed in introducing any measure of relief to that class of men whose cause he stood there to advocate; but he could not fail in his duty to the country at large, in persevering in, and bringing before the House, a resolution which he hoped would meet with general approbation. If he felt that the motion which he was about to submit to the House was one which was opposed to the well-being of other classes of the people, or that it interfered with the interests of the country, he might then be charged with partiality by a large body of the country; but believing, as he did, that it did not, in the slightest degree, interfere with the Chancellor of the Exchequer, and much less so with any other class of society, he hoped and trusted that the resolution he should propose would not encounter the opposition of the House. The right hon. Gentleman, the Chancellor of the Exchequer, had on a former occasion intimated his intention to make a reduction of the taxation of the country. It was not, of course, in his (Lord Chandos's) power to be aware of the means which the right hon. Gentleman might have at his command to effect this object; nor was it his intention to call upon the right hon. Gentleman to state what his means were, but he wished to call the attention of the Government to the consideration, that in reducing the taxation of the country, there were certain classes of his Majesty's subjects who ought, and must be attended to. Therefore, with this opinion on his part, he should propose a resolution, calling upon the Government, and upon that House, in making any reduction of taxation, not to leave out the agricultural interest. The noble Lord, on a former occasion, had given it as his opinion, that but little interest could attach to a particular question which was mooted at the moment, because there had not been many petitions in favour of it. Now, he thought that noble Lord and the House would bear him (Lord Chandos) out when he observed, that upon this question—not upon that night, but upon others—a vast many petitions had been presented from the agricultural inerest, praying for relief; and he was confident, that if that House were to sit for one year together, they would not be one day free from the applications of the agriculturists, because they felt that nothing efficient had been done towards their relief. As he had brought forward motions on other occasions in favour of this class of his Majesty's subjects, he would observe, that when he had brought forward a specific motion, he had been charged with not having brought forward a general measure; and so, when he introduced a motion of a general nature, then hon. Members complained of his not bringing forward a more specific one. He was therefore much surprised that he had not been able to suit the taste of the House; but he was again that evening prepared to meet the question. He might be asked by hon. Members who were opposed to him why he had not come forward with this motion before the Committee had made its report? To this he had this short answer to give—that it was not his wish to prejudge the labours of that Committee—that whatever that report might be, it could not be affected by the motion he meant to conclude with. He had no right, as a member of that Committee, to say what were or were not the opinions of that Committee; but he could not believe that any Member of it would refuse to show a proper sense of the motion that evening; that if the argument were to hold good that the Committee had not reported, let it be remembered on the other hand, that there were two reports printed, which were well worthy of the consideration of the House, containing much information upon the important subject to which they referred. No one could read these reports without being convinced in too intelligible terms of the distress which pervaded the farmers. He would appeal to any hon. Members, whether, by the second report of the Committee, they were not borne out in asserting, the farmers were not in a better situation, and in many respects not in so good a situation as they had been some years ago? The evidence went to show, that clay soil must go out of culture. Now, when that report went so far, and when thirty-six witnesses gave evidence to the distressed condition of the farmers, surely it was not too much to call the attention of the House to the fact, in the hope, and with the view, to obtain some assistance for them. As he had said before, in advocating the claims of the landed interest to a participation of those benefits which a reduction of the taxation must create, he did not wish or seek to run counter to the interest which the hon. Member for Middlesex especially patronised. He (Lord Chandos) gloried in feeling, that the charge of monopolists, as applied against the farmers, was not true or well-founded. What they wanted only was, that in dealing out justice—justice should be dealt to them; and that it should be distributed generally, and not partially. The right hon. Gentleman (the Chancellor of the Exchequer) had notified his determination to reduce the Stamp-duty on Newspapers, and the duty on spirit-licenses. Now, it was not for him to give an opinion on a matter not then before the House; but he would say thus much, that it was the duty of the Government not to be partial in the distribution of a surplus revenue, but to allow all classes to benefit by the result of any reductions of taxation which might be made. If, indeed, his Majesty's Government were not able to make any reduction in the burthens of the people, then he met with an answer, and he could not complain; but on the other hand, if they were able to carry into effect a distribution of a surplus in a reduction of taxation, then it was not too much to call for an equal share of that advantage for the landed interest of the country. It was a curious circumstance, that in the reduction of taxation which had been made within the last five years in this country, and upon looking to the official returns, dated March 17, 1836, he could not find that any great substantial relief had been given to the agricultural interest. The taxes which had been removed amounted to eight millions ninety odd thousand pounds; but when he came to examine how much relief had been given to the landed interest, he found that not more than half a million had been removed from the land. It would be found, that in the reductions which had taken place, there had been those which, to a certain extent, had benefited the agriculturists, and amongst other items, he mentioned the repeal of the duty on tiles, which gave them 33,000*l.*; then there was the repeal of the duty on fire insurances, in respect to agricultural produce, which also gave them 30,000*l.*—then followed the repeal of the duty on windows in agricultural buildings and House-tax. But let him say, that while these were beneficial to the interest which he had advocated, still they were items of general taxation. Let him not be charged with this, that the repeal of the

House-tax was exclusively for the benefit of the agriculturists; they derived some benefit from it, it was true; but the greatest benefit was given to large towns, and not to agricultural districts. He would again state, that out of eight millions of taxes which had been reduced or repealed, not more than half a million had affected the agricultural interest. Look at the tax on land generally—look at the direct and indirect taxation with regard to counties, the amount of county-rates, the expense of which was very considerable, and not diminished to the present day to any amount. The Government, last year, it was true, had given them a proportion of money towards the charge of prosecuting felons, the amount being 122,000*l.* But an hon. Friend of his suggested at the time, that the whole expense should be abolished, and he could see no reason why it should not be done. Now, would not crime chiefly occur in large towns? and did large towns pay their proportion of the expense of prosecuting felons? No such thing! their contribution was but slight. The charge of prosecuting felons, he contended, ought to be made a national charge, and the counties should be relieved from that unfair pressure to which they were now subjected. It would be found, that in Scotland the burthens were light. They had, indeed, the King's taxes, but no local taxation of any amount. It would, indeed, be a measure of great relief if the whole local charges were taken up by the Government, and dealt with by them. He regretted every day, that with reference to the Malt-duty, neither the Government of that time, when the question was brought forward on a former occasion, nor the present Government had made any reduction on it. He did not wish, however, to talk upon that part of the subject then, because the House of Commons had decided against its repeal; but he would merely say, that he still entertained the opinion which he had first formed upon the question. There had been a Committee appointed by the House of Lords in the year 1834, to inquire into county-rates and highway-rates, and they reported that they thought the fact clearly established by evidence, that the agriculturist, in respect to his outlay of capital, was not compensated by any corresponding reduction of taxation; that his burthens had increased; that while vast improvements of great inland lines of communication were objects of national importance, they became a considerable burthen on the land, from the increase of County-rates; that the highway rates amounted to 621,504*l.* which imposed on the land a tax of 388,440*l.* Now, could any one believe it possible that such an unjust proportion should fall on the landed interest? He could not believe, that his Majesty's Government would permit this Session to pass without giving that substantial relief which they had always appeared inclined to give. He intended to ask the House, whether, in any reductions to be made by the Chancellor of the Exchequer, be they great or small, the landed interest should not have a portion of the advantages to result from that circumstance. In the year 1834, on a motion similar to the present, the House ran the Ministers of the day close upon the question, and on a division there were 206 and 202, the Ministers having a majority of four upon the question, whether the landed interest should not be relieved. In the present House of Commons, looking to the large number of Gentlemen returned to that House, who were attached to the agricultural interest, he could not but believe and hope, that on seeing the result of the division of that evening, those professions which had been made elsewhere would be realized, and that those promises which had been made from the hustings would be that night adhered to. They had been within the last two days told, whether correctly or not he could not say, that ere long, they might have to appear before their respective constituencies. For his own part he should be ready to do so, and he should be the better able to appear before his constituents from the consciousness of having always stood up to advocate the right of the agriculturists. At the same time, far be it from him to pursue a party course; he wished not to cripple the intentions of his Majesty's Government with regard to the reduction of taxation. Regardless of all party feeling, he conjured all hon. Gentlemen to look at the question fairly, and not to act on party motives. If, as he had said before, he was arguing for one body of men against other classes, he should feel doubtful of success; but when he looked to the facts of the case, he could not believe the House would negative his motion. With regard to the Corn-laws, he would say nothing, because the Committee of which he was a member were not prepared to say anything, nor did he think the consideration of that question was called for; though there were hon. Members always inclined to charge the agriculturists with being monopolists, and with living only for themselves, and not for their neighbours. He begged publicly to deny that such was the fact, and he would state that which had been asserted by others, that they looked not to monopoly, but merely for a fair remuneration for their labour, and an equal participation in the benefits derivable from a reduction of taxation. He could proceed for a length of time to express his opinions, but with all the regard he felt for the hon. Member for Sheffield, and other hon. Members, he would be as brief as possible, but would discharge his duty to the best of his ability, and he hoped he might be of some use to that interest which he so sincerely and warmly supported. If hon. Gentlemen would turn to the evidence which had been produced, they would, in reading over those pages, see, with regret, that in very many instances the entire capital of the farmer was gone, tenants removed, and large portions of land out of cultivation. Now the hon. Member for Middlesex, he was sure, would not object to the farmer obtaining his fair profits, and as a landowner he could not be ignorant of their condition. If the hon. Member had read the evidence he would not only see, that capital had been diminished—that hon. Gentleman shook his head, but he would find such to have been the case; and he would find that the landlords had made great reductions in their rents and had done everything to save their tenants. And would it be said, that the charge against the landlords was founded on correct data? In every instance which had fallen under his notice the landlord was ready to make his reduction of rent; and he thought it but an act of justice in fairness to state, that the landlords were ever ready to meet the wants of their tenants. Now he understood that the House would ask him what remedy, what specific remedy he had to propose. He would say, that he was not prepared, nor did he think he was called upon to give an opinion on that point; but he did not ask the House to pledge themselves to any specific remedy, he only wished them to pledge themselves so far as not to allow a reduction of taxation to take place without giving to the agricultural interest a fair participation in the benefits of such reduction. Indeed, from what he knew of the right hon. Gentleman, the Chancellor of the Exchequer, he thought he would not oppose the motion; but would, on the contrary, be glad to prove himself a friend of the farmers. He hoped and trusted that such would be the case, and that the votes of that evening would sanction the motion, and give to the country gentlemen an opportunity of proving their sincerity. Before he sat down he would observe, that the Government had voluntarily stated that they would reduce the stamp-duty on newspapers, and the additional duty on spirit-licences; and thus much having been mentioned, he would ask whether this was fair to other classes, or with reference to the agriculturists? And in order that hon. Gentlemen might not misunderstand his motion, he would repeat that its object was to call upon the Government to give the agricultural interests a share in the reduction of taxation. He should conclude by expressing a hope that the House would not refuse to go along with him in the wish to support and benefit a class of men who for so many and trying years had proved themselves, by their attachment to the country and by their honesty of purpose, to be the tried patriots; and who had always borne with pleasure their share of the national burdens. He desired to show no party feeling whatever; he had no feeling beyond that which was dictated by a sense of duty; he had but one line of conduct to pursue; and he only wished to add, that that class whose advocate he was, had ever been foremost to put down internal disturbances and to protect property. The noble Lord concluded by moving a resolution to the effect that it is the opinion of this House that, in the application of any surplus revenue towards relieving the burdens of the country by reduction of taxation or otherwise, due regard should be had to the necessity of affording a portion of relief to the agricultural interest.

Mr. *William Duncombe* said, that having been requested to second the motion of his noble Friend, he did so, at the same time regretting that that task had not been committed to abler hands than his own; but having concurred in the motion of the noble Lord on a former occasion, representing, as he himself did, a large constituency who were suffering under the great pressure of agricultural distress, knowing that they entertained sentiments of sincere gratitude to the noble Lord for his efforts on their behalf in that House, he considered it would be a want of duty on his part if he did not accede to the request. He believed it was admitted on all hands—it was admitted by hon. Gentlemen of all parties, that the agricultural interest had been suffering under a general and severe pressure. The fact was admitted in his Majesty's speech on the opening of the present as well as the preceding Parliament; but notwithstanding this, that important branch of the country, the agriculturists, had been destined to go on struggling in such a state of difficulty and embarrassment as had seldom fallen to the share of any other great interest. He therefore most cordially seconded this appeal to the House, and he trusted that they would hear and feel that the time had arrived when an act of equal and impartial justice to the agricultural interest must be conceded, and that in proportion to the reduction of taxation so should they be offered relief. He had had the misfortune on former occasions, when questions affecting these interests were submitted to the House, to hear them sometimes met with sneers and imputations thrown out against landlords, which were as unfounded as they were unmerited. He said, if any hon. Gentleman imagined that the landowners were always disposed to drive a hard bargain, and to withhold any relief to their tenantry, he (Mr. Duncombe) had no communion of feeling with such men, and could not participate in their views. He had ever supported the noble Lord's views, because they went to promote the cause of the labouring and productive classes. It had appeared to him that upon the occasion of the hon. Member for Exeter bringing forward his motion respecting spirit licences, the right hon. Gentleman, the Chancellor of the Exchequer, had made a statement of his views, which was somewhat premature. Then with respect to the repeal of the duty on newspapers, it was said that considerable relief would be thereby given to the great body of the people. But let him ask the right hon. Gentleman, was not the reduction made, or promised, with a view to quiet the clamour from without on the subject? If, however, the right hon. Gentleman thought the partial removing of this tax would give any essential relief, he ought not to be blamed for acting as he had done; but he called upon the right hon. Gentleman, in the spirit of his noble Friend (Lord Chandos), to take care that the agricultural interest at least should have a proportionate benefit of any reduction which might be made in taxation with other classes. With regard to the repeal of the duty on newspapers, he had heard that any individual who had the wish to read them, or the monthly and quarterly publications, might do this by going to any coffee-shop and paying his twopence. If these facilities existed in London, he had no doubt they were to be found in all the large provincial towns. But he grudged not this relief to the public, and he only called upon the House to allot some portion of relief to the agriculturists. All the circumstances of the present time rendered it a favourable moment to entertain the motion. He believed that the manufacturing interests were at present in a very flourishing and prosperous condition, and this was not owing to adventitious causes, but to a sound state of things. He hoped hon. Members would divest themselves of all party feeling, seeing that this was not a party proceeding or question, he implored hon. Gentlemen to rid themselves of all prejudice, and he trusted that they would come to such a division as might be consistent with that impartial and sound policy which the interests of the country required.

Lord *John Russell* said, that he rose to object to the motion which had just been made by the noble Marquess. He could not, for his own part, object to the day which the noble Lord had chosen to bring forward this motion, because this day was that on which Bills brought in by individual Members were to be considered, who were the parties with whom the interposition of the noble Lord's proposal interfered. He objected, then, not to the particular day, but to the time at which this motion was brought forward. The distress of the agricultural class had been shown by presentation of petitions, day after day, and it was noticed in the King's Speech, before the noble Lord could propound his motion for a Committee; a declaration, too, was made on the part of the Government, that it was ready to enter into the fullest inquiry on this subject. The Committee which had been appointed had made no Report, and was far from having heard all the evidence to be brought before it. Therefore the noble Lord was not quite justified in alluding to extracts and drawing deductions from part of the report which had been printed, because there could be no fair decision as to the cause and extent of agricultural distress until the whole of the evidence was heard, and the Committee had considered that evidence and submitted their conclusions to the House. On this ground he considered the motion of the noble Marquess premature. He said premature, the more especially because every opportunity had been given to the noble Lord and the witnesses who entertained the same opinions with him, in order that their evidence might be heard. The question of the extent of agricultural distress remained still to be decided. Evidence was yet to be taken and witnesses heard; and he thought the House could come to no adequate decision until the inquiry was terminated. So far, therefore, as this resolution referred to the question of agricultural distress—without entering into the question, or attempting to deny or admit, what the noble Lord stated—he was of opinion that the proper course was to wait for the result of their own inquiry, to listen to the Report of their own Committee, and not prejudge a question which they had themselves at the beginning of the session considered worthy of deliberate and minute examination. Then with regard to the immediate motion of the noble Lord. As far as that question did not depend on any inquiry before the Agricultural Committee, but as a general question which the noble Lord wished to bring forward, the better course with respect to it, as with respect to others of the same kind, was to hear the reductions of taxation to be proposed by his right hon. Friend, the Chancellor of the Exchequer, and then—should those reductions not appear to have been well considered—should they propose to relieve those parts of the country which were not the most distressed, or to afford a stimulus to industry in regard to these branches of trade which were not most in want of a stimulus, it would be time enough for those honourable Members who represented the various interests of the country thereby aggrieved, to state to his right hon. Friend that he had been mistaken in his selection, and that the relief which he proposed ought to be applied to other taxes and to other parties than those to which he contemplated applying it. Such being the case, he thought it would be unwise, he thought it would be premature in the House to declare, in the first instance, and before they had heard the statement of his right hon. Friend, that one particular interest—namely, the agricultural interest, ought to be the one to which, in preference of all others, relief should be applied. Had the noble Lord pointed out that there was some partial tax, some especial burden, pressing so heavily on the agricultural interest, that before listening to any other complaint the Government was bound to give relief in respect to it, he might perhaps have admitted that there was some justice in the statement the House had that evening heard; but inasmuch as the noble Lord had as far as possible abstained from making any such statement, he did not feel that he or his Majesty's Government was at the present moment called upon to deliberate upon the question. The noble Lord complained, that although within the last five years upwards of eight millions of taxes had been repealed, very little relief had been thereby given to the agricultural interest; but had the noble Marquess in his calculation thought proper to take in the year preceding that from which the return he read was dated, he would have been able to state to the House that upon the demand of a very considerable body of Members, of whom Lord Althorp was the leader, the then Government had reduced the tax upon beer, and removed completely the remaining duties upon leather. Now, he maintained that the beer-tax was a tax which pressed especially upon the agricultural interest. At the time the reduction to which he alluded was agreed upon, it was a question whether it should be applied to the beer or the malt; but it being the opinion of the Government of the day that its application to the beer-tax would be more generally useful to the poorer classes, while it would be nearly as advantageous to the particular interest for whose benefit the remission was originally contemplated, the preference was given to it in the arrangement which eventually took place. The noble Lord excluded from his view the 3,000,000*l.* taxes then reduced, which was a great benefit to the landed interest. The consequence of that reduction was, that the consumption of malt increased very considerably, and therefore he contended, that when the noble Lord asserted that the late reduction in taxation had not been productive of any relief to the agricultural interest, he took much too narrow a view of the case.—[The Marquess of *Chandos* had confined his observations to the last five years.]—True; but surely, if in consequence of a measure which passed in the year immediately preceding the commencement of those five years, he could show that during the period to which the noble Lord's observations did apply the agricultural interest had been deriving considerable advantages, he was fully entitled, for the sake of his argument, to include it in his computation. But he contended that the noble Lord had likewise taken a narrow and partial view of the question in saying, that because the remission of certain particular taxes applied more peculiarly to certain particular interests, the great and prevailing interests of agriculture did not share and participate in the benefits resulting from it. He alluded more particularly to the reduction of the duties on candles and soap. Could any one say that the agricultural interest derived no benefit from these reductions? Could it be contended that the reduction of the duty upon an article of great and general consumption was not calculated to serve an interest so wide spread as that of agriculture? He believed there was now but one article upon which a remission would be productive of any great advantage; that was the article of malt, the article with reference to which the noble Lord last year brought forward a motion. Now, why was it that the noble Lord upon the present occasion, instead of his general proposition, did not move that the tax upon this article should be remitted? It was evident he did not bring it forward because he knew the opinion of the House was made up against it. No doubt the noble Lord recollected the result of the discussion of last Session, and no doubt he feared again to call forth a speech from the right hon. Member for Tamworth in opposition to his proposition, the last speech of that right hon. Member having not only had the effect of confirming those who were predisposed against the motion, but of convincing many of those Members who had given pledges upon the hustings to support every measure having for its object the relief of the agricultural interest, that they ought not to vote for the repeal of the malt duties. Even those Gentlemen were so impressed by the eloquence of the right hon. Member for Tamworth, applied, as he had understood, out of the House as well as in the House, that they felt bound to vote with him, notwithstanding their pledges, and against the noble Marquess. There being then no great tax pressing on the agricultural interest, except that one which the House had refused to remit, he did not think that they ought to come to a solemn resolution that in the repeal of taxes the agricultural interest ought to be mainly considered. Allusion had been made to the reduction which the Government proposed of the stamp duty on newspapers: it would be quite competent to the noble Lord, or any one else in that House, to move, when that reduction should be proposed, that it was not a proper one, and that there were other interests more requiring relief than that which it was intended to benefit. The noble Lord had also referred to the local taxes which peculiarly affected the agricultural interest. The poor rate was one of the most considerable—it was one of the greatest evils of which that interest had to complain; but had the Government neglected their duty in respect to it? On the contrary, a measure had been passed much calculated to remedy the evil, and to show its effects, he would read to the House a few figures, derived from the last return which he had received from the Commissioners of Poor Laws, whom he had directed some time ago to furnish him with a comparative estimate of the expenditure in a number of parishes, up to the 31st December, 1835, and of a subsequent corresponding period, in which those parishes had been under the regular operation of the Poor Law Act. In 2,290 parishes, which had not been selected as exhibiting the greatest amount of reduction, the annual expenditure in the three years, 1833, 1834, and 1835, was in round numbers 1,258,000*l.*; the estimate of the annual expenditure for 1836, founded upon the return of the expenditure for the first quarter, after the 31st December, 1836, was 639,000*l.*, showing a reduction of 619,000*l.*, on a rate of saving forty-nine per cent. This was a real practical benefit, and, in proportion as the measure was carried out to its full extent, that benefit would be increased. By similar measures only, and not by general resolutions, could the agricultural interest expect to receive benefit; their prosperity depended not upon their having any particular boon accorded to them, but upon their enjoying full scope for the employment of their capital and their industry—the only advantage, indeed, which, in his opinion, Englishmen required. With respect to tithes, there was a measure then before Parliament relating to them; and if the plan which it proposed were adopted, speaking generally, and if a settlement of the question could be brought about upon the principle of imposing a permanent charge on the land, instead of one increasing in proportion to the skill and capital of the farmer, he thought that a great advantage would be conferred on the agricultural interest. As to the question of county rates, that, too, was one which had attracted the notice of many hon. Members; and the hon. Member for Middlesex had given notice of a measure for the appointment of county boards. It had appeared to him (Lord John Russell) when engaged upon the County Rates Committee, that one of the causes of the very great expenditure, and more particularly of a valuation unduly affecting the agricultural interest, was the very great negligence, carelessness, and almost indifference with which those who had the management of the county rate regarded that valuation and that expenditure. Improvements had been pointed out; and one step had been gained in the measure, which had passed that House, providing that the discussion of these matters should take place in open court. His own opinion was, that the rate-payers of the counties ought to have some greater influence than they now had in that expenditure. It had been the decided opinion of Lord Althorp, that those charges ought not to be paid out of the Consolidated Fund, because the Treasury had no means of controlling the expenditure. Perhaps a remedy for the present evils might be found—partly in throwing a portion of the charges on the Consolidated Fund, as his right hon. Friend had proposed, and partly in giving the rate-payers a greater control. On these grounds, he hoped that the House would pass to the Order of the Day, and proceed with the practical business of the night rather than adopt a vague resolution which could lead to no practical result. He would not enter then into the question of agricultural distress; if he did he should have to bring statements from the evidence taken before the Agricultural Committee, in opposition to that of the noble Lord. When that Committee had closed their labours, he trusted that they would present a body of evidence such as would enable the House to come to a fair and dispassionate opinion; but he must protest against any conclusion drawn from a part of that evidence only.

The Earl of *Darlington* rose to support the motion of his noble Friend. There were two methods of relieving the agricultural interest under its present distress, and those were a general reduction of taxation, and particular reductions in local burdens. Of the local burthens, the necessity of affording relief to the poor constituted, undoubtedly, the greater portion. And here he would not refuse to contribute his share to the approbation which a great measure, upon which particular stress had been laid by the noble Lord opposite, so justly merited. Whatever might be his political opinions upon other subjects, he felt pleasure in being able to corroborate the truth of the noble Lord's observations upon that, and he had no doubt that in three years more the operation of the Poor Law Amendment Act would prove to be of greater benefit than hon. Gentlemen could imagine. He knew of no means so certain to relieve the agriculturists as to repeal the malt tax; but as that was not to be repealed, he thought the farmers might receive some relief if they were allowed to feed their cattle on steeped barley. That would be a great boon to them, and he did not think the agriculturists would abuse it. He would call the attention of the Chancellor of the Exchequer to the subject of county-rates, and also express a hope that any surplus which might be found to exist with reference to the financial statement of the right hon. Gentleman, would, at least, in part be appropriated to the relief of the agriculturist. The Chancellor of the Exchequer had given the House reason to expect that the financial condition of the country was such as that they might expect a surplus in the Treasury at the end of the year. He entreated the right hon. Gentleman to bear in mind, that it was never too late to retract a mistake, and whatever decision he might have come to with regard to that surplus, it was to be hoped that a re-consideration of the subject might lead him to appropriate a portion of it to the relief of the agricultural interest.

Mr. *Hume*.*—Sir, I was anxious that the noble Marquess should have deferred his motion until the Select Committee, now sitting to consider the state of the agricultural interest, had terminated their inquiries, and had reported to this House, as we should then have had before us the evidence taken, and the opinion of that Committee on this important subject;

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* From a corrected Report.

but, as the claims of the landed interest have been thus prominently put forward by the noble Lords who have addressed the House, I shall endeavour, before I sit down, to prove to the House, that the agricultural interests have no just claim to be relieved, more than the other interests in the country.

The noble Marquess, who introduced the motion, has informed the House, that he asks no relief for the agricultural interests which he does not equally demand for the other classes of the community: but the noble Lord (Darlington) who spoke last, is not so reasonable. He says, that there are three ways in which relief may be afforded to the land—by lessening the burden of general taxation—by relief from local taxation—and by an alteration of the currency. As an alteration of the currency must affect all interests of the country alike, I shall hereafter make some remarks thereon; and the subject of local taxation, such as bridge, gaol, poor-rates, &c., will come more regularly before the House in a few days, when I intend to introduce a plan for establishing a county board to manage the financial affairs of counties.

With respect to general taxation, I shall distinctly prove, that the agriculturists are not only not taxed beyond other classes in the country, but that they do not pay their fair proportion of the burdens of the State. The noble Lord has, indeed, proposed one means of relief, at variance, however, with the claim of the noble Marquess, the Member for Buckinghamshire, that the farmers should be allowed to malt barley for their own use, free of duty—and the reason assigned for that demand is, that the barley is grown by the farmers; but, by the same rule, the manufacturer of every article subjected to excise duty, should be allowed to use enough of it for his own consumption, free of duty; and those who import wine or brandy, ought to be allowed all they consume free of duty. The one request would be equally fair and reasonable as the other; but, will the Chancellor of the Exchequer agree to this? In this opinion I think the noble Marquess must agree with me, and differ from his noble Friend.

The hon. Member for North Yorkshire, who supported the motion, asks why the landed proprietor should be prevented from making the best bargain he can for the produce of his land and capital: and I willingly, in every case, concede to him that right; but, at the same time, I ask him to allow other persons to enjoy the same right with the produce of their labour and capital. The English farmer sells his corn to the manufacturer at the highest price, and buys every manufactured article at the lowest rate; but, I ask, are the manufacturers allowed to go to the cheapest markets to buy their food? No; they are obliged, by the monopoly produced by the corn-laws, and by the importation of cattle being prohibited, to pay nearly twice as much for English corn and meat, as they would have to pay were corn and cattle freely admitted from other countries! I therefore ask the hon. Member whether that is dealing out equal justice, or whether, with those advantages, he has, on behalf of the agriculturists, any right to complain?

The noble Lord having alluded to agricultural associations, and to their efforts to obtain relief for the farmers, I shall take this opportunity of noticing the unreasonable and absurd demands of some of these associations; and of showing how ruinous their plans would be to themselves, and to the community at large, if they could be carried into effect. Their statements are exaggerated, and their expectations quite preposterous. I have in my hand a Report of the proceedings of the East Suffolk Agricultural Association, at a public meeting held at the Castle of Framlingham in November last; and I now see the hon. Member for the county (Sir Broke Vere) who was present. It appears that the object of that meeting was to take the first step for sending delegates to join the general Agricultural Union of all the agricultural associations in London, It was stated—

> "That the agriculturists have petitioned Parliament so often, and had received so little attention, that they began to entertain but one feeling—that petitioning alone would not do. ..That in July last, at a meeting of that Association, a petition was agreed to, and a Resolution passed, that the members should be instructed to move that the Supplies themselves should be stopped, until his Majesty's Ministers had taken some steps to relieve the agriculturists."

If such language had been used, or such opinions had been expressed at any meeting of Reformers, what would have been said by the landed gentlemen? The Reformers would have been told that they were threatening the House of Commons, and interfering with the proceedings of the Government. Yet such were the demands of that association at a time when successive administrations had relieved the agricultural interest from almost every tax that could be pointed out as bearing directly on land; and when the agriculturists were in reality paying much less in taxes to the State than the other classes of the community. The secretary to the Central Association in London, declared to the meeting that—

> "In his opinion it was neither the extension of the currency, nor the repeal of the malt-tax, nor the consolidation of public rates, nor the commutation of tithes, nor the diminution of poor-rates, nor the introduction of poor-laws into Ireland, nor the breaking up of the meat-trade monopoly, which would alone relieve the farmer. . . . . They must effect a change in the present system of acquiring and accumulating wealth,—a system abounding in fraud and productive of the greatest evils; and that the productive classes must be compensated for the capital which the currency measure of 1819 had been the means of unjustly abstracting from them. . . . . . But (he added) that they would no longer consent to increase the spoils of the gambler on the Stock Exchange; they would no longer uphold that system which, for the last twenty years, had preyed upon the very vitals of the productive classes; and which had made the industry of the country the means of impoverishing itself, while it enriches the speculator and the capitalist."

This attack upon capitalists would be altogether unwarranted in any assembly, but most particularly was it unsuitable at a meeting of landed gentlemen, who have so often complained of similar language being used in other places. I have always, both within and without these walls, raised my voice against such pernicious and erroneous opinions: I say erroneous, for it is evident, that to its capital England owes much of its present prosperity. Why are Spain and Italy so poor, with an abundant population, and a soil and climate almost unequalled in the world?—Why, but for want of capital? How is France now rising in the scale of nations, but by accumulating capital,—by becoming a manufacturing and commercial country? Therefore, we ought to be the more indignant at hearing this charge made at a public meeting of landowners against so useful and important a part of the community, as if it were a crime for men to accumulate fortunes by honest and honourable means. I am indignant at seeing thus held up to the people, that class to whose industry, enterprise, and abilities we mainly owe the high rank which England now holds among the nations of Europe. It is alleged by the landowners, that "agricultural prosperity is the foundation of national prosperity." I rejoice in agricultural prosperity when it is not produced at the expense of the other classes of the community; but I must add, that land in England would be of little more value than land in Poland or Prussia, were it not for the capital and industry of our merchants and manufacturers. Nay, more, I maintain that England might exist and prosper, as a purely manufacturing and commercial country, if it did not grow a single bushel of corn; if, in exchange for its manufactures and minerals, it imported from the cheap corn-producing-countries every quarter of wheat required in the country. Have I not, then, reason to call the opinions, expressed by this gentleman, at once pernicious and erroneous? But he goes still further, and says—

> "The war to which he summoned them was a war from which no good man need shrink—it was a war against injustice, poverty, and idleness—it was a war against that system which divided England into two extremes of luxurious wealth and fearful want—it was a war for the bees of the hive against those who robbed them of their honey—it was a war, though bloodless, that was to be fought on the fields of our country, and in which more laurels were to be gained with the ploughshare than had ever yet been won by the sword on the cannon-planted deck or the tented field!"

I have given these extracts to prove to the House the extravagant and ridiculous language of these Unionists; but the language of another speaker exceeded in absurdity any thing that had ever yet issued from any public meeting within my recollection; and I submit it, at once, in proof of the unreasonable proceedings of the agriculturists. This gentleman said:—

> "It was susceptible of clear proof, and he was now stating not merely his own opinion, but the opinion of the Cambridgeshire Association, as recorded in a letter to their chairman, that there was now 100,000,000*l.* less of circulation than there was in 1818, the whole of which sum was, of course, deducted from the value of the produce of British industry. Nothing but an expansion of the currency could meet the difficulty—an expansion to be effected by an issue of notes by the Bank of England, and by the country bankers, and by coining the sovereign at two-thirds of its present value, so

that the ounce of gold should make six sovereigns, as it ought to do."

He added that—

"The shipping, the trading, and manufacturing interests, must also receive protection from foreign competition by the imposition of duties on foreign goods, or, if necessary, even by total prohibition; the immediate consequence of this step would be good prices, good profits, and good wages. This was the unanimous opinion of the numerous members of the Cambridgeshire Society, and they were determined that their opinion should reach the Legislature."

I have now submitted these opinions to the Legislature, as then desired by the speakers. I appeal to the House whether they ever heard of so much nonsense being spoken at any meeting of labourers and artizans, as is reported to have been uttered at this East Suffolk Association of landed gentlemen. Speak of the trash circulated in the Penny Unstamped! I should be ashamed to see the name of any artizan affixed to such observations. But I leave the members of the Association now present to explain or defend such proceedings, as they best can, whilst they are making fresh demands for relief from taxation; and I would ask whether there really is, at present, that agricultural distress which the noble Lords have alleged? I speak with confidence when I say that there is not; and, if I am correct in my information, there ought not to be more distress in that than in any other interest. As regards taxation, I repeat that the agriculturists have been specially favoured, and exempted from many taxes which all other classes of the community pay; and that they do not pay any one tax from which other classes are exempted. The noble Marquess refers to the evidence before the Committee, now sitting to inquire into agricultural distress. I have read that portion of the evidence which has been printed, and find no proofs of distress at present existing.

As regards the increase of currency, which the noble Lord (Darlington) considers to be one means of relief, it appears, by the evidence, that farmers have no difficulty in getting what money they require, if they have good security to give; and, I am sure, this House would not desire that money should be lent on bad security. Mr. Evan David was asked—

"Do the farmers now receive accommodation as easily as they used to do?—They now get a little more accommodation, in consequence of the joint-stock banks having been recently established in our neighbourhood, and on more easy terms."

Mr. Jacob was asked—

"You have no account of a deficiency of capital in agriculture in any part of the country?—No; for the agriculturist can get any money he pleases, at low interest, if he have good security."

I can state to the noble Marquess, for his satisfaction, that there is more money at present in the country, than there was in the days of inconvertible paper; and that there is, now, no want of currency, nor has there been any for the last ten or twelve years. It is not possible to ascertain the amount of circulating medium in the country to a certainty; but I shall hereafter submit to the House the most correct account I have been able to procure of the metallic and paper currency in England and Wales, on the average of the six years 1814 to 1819, and of the six years 1829 to 1834. If, therefore, distress exist among the agriculturists, it must arise from other causes than want of currency. Nothing, indeed, can be more senseless and indefinite than the clamour against the change made in the currency in 1819; and the complaints of want of money as the cause of low prices since that period, and particularly in 1834 and 1835. In this vague way, the president of the Cambridgeshire Agricultural Society stated to the Committee, that he thought the contraction of the currency to be one cause of the fall of agricultural produce. He was asked—

"Why he thought so?—I can only state in a general way, that I have observed that when there has been a contraction of the currency, prices have fallen, and when there has been an expansion, they have generally risen."

But, let us look fairly at the object of the noble Marquess's motion—"a reduction of taxation"—and inquire whether the agriculturists are in a condition to demand reduction of taxation in preference to other classes. I shall prove that they are not entitled to be specially relieved. The House and the public have been somewhat led away in respect to the claims of the agriculturists, generally, without due consideration of whom that class consists. My hon. and learned Friend, the Member for Bath, some days ago, stated very properly to the House, that there were three classes of persons comprehended under the term agriculturists, and that we could not come to any just conclusion on the claims set forth on their behalf, without considering their character and situation separately. It comprehends the landowners, the farmers, and the labourers. With respect to the latter class, I would ask any Member of the present Agricultural Committee, whether the evidence before them does not show that the condition of the agricultural labourers is much better at this time than it has been for many years past—perhaps better than it ever was? The evidence clearly proves their improved condition; and some of the witnesses go so far as to say, that the labourers are better off than the small farmers are. Mr. John Rolfe is asked—

> "What should you say the condition of the labourer is at present?—I consider the condition of the labourer, at present, where he has plenty of employment, is very good.
>
> "Are there many labourers out of employment?—Not a great many.

Another witness, J. Smallpiece, Esq.—

> Then the condition of the labourer has improved rather than not?—I think the labourer never was better off."

Mr. T. Bowyer "considered the condition of the labourers to be much better than formerly." Mr. Evan David stated, "that the condition of the labourers in Glamorganshire was comparatively better than that of the farmers—that they were very well off."

Mr. Jacob, another witness:—

> "You state that the labourers, generally speaking, enjoy more of the luxuries of life than they did forty or fifty years ago?—Yes.
>
> "You believe, upon the whole, there has been an improvement in agriculture and in cultivation in this country?—Yes."

Nothing can be more conclusive against the noble Marquess, as to the state of the agricultural labourer, than this evidence given before his own Committee. If, indeed, we consider the money-amount of his wages, and the relative prices of every article of necessity and comfort now, and at former periods, it must be evident that the situation of the labourer is much better at present. When wheat was 120*s.* to 140*s.* the quarter, the wages of an agricultural labourer was 15*s.* or 16*s.* per week; and now that wheat is at 56*s.* to 60*s.*, he receives from 9*s.* to 12*s.* In the former period he could scarcely buy a bushel of wheat with his week's wages, now he can buy one-and-a-half or two bushels. In proportion to the money-wages and price of corn the labourers are better off. "*We are paying*, (a witness says), *with beer*, 9*s.* 6*d.* *a-week, equal to two bushels of wheat.*" Clothing and other necessary articles are now from 40 to 50 per cent. lower in price than they were in the time of high-priced corn, as I shall shew before I sit down.

It is truly gratifying to me that the fall which has taken place in the various articles of British manufacture, had not been accompanied by a corresponding fall in the wages of labour; and we consequently find a greater degree of comfort and ease amongst the working classes than have existed for many previous years in this country; and it is one of many reasons I have to urge for the repeal of the Corn-laws, which increase the price of food. At the present moment the artisans and labourers are comfortable, but no thanks are due to the landed interest for that blessing. The operation of high or low prices of food on the comfort and situation of the working classes is but ill understood, although few subjects deserve the attention of the House more. It may be generally taken that three-fourths of the wages of the labourer are spent in the purchase of food, and one-fourth on clothing, rent, &c.—that a fall of one-third in the price of food is the same to him as if his wages had risen 33½ per cent.; and a fall of 50 per cent. in clothing and other necessaries, doubles the quantity for the remaining one-fourth of his wages, which adds materially to his comfort. The money-wages of labour never declines in same proportion[*] as the prices of articles; and low prices of food and other necessaries

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[*] Statement of the wages of workmen in the cotton manufacturies at Bolton:—

	In 1816. per week.		In 1832. per week.	
	s.	*d.*	*s.*	*d.*
Spinners, 1st class .	37	0	35	0
Ditto, 2nd and 3rd ditto	30	0	28	2
Dressers . . .	30	0	30	6
Power-loom weavers .	14	0	12	0
	In 1815.		In 1833.	
Carders, 1st class .	40	0	30	0
Ditto, 2nd ditto . .	18	6	17	9
Rulers . . .	15	0	12	0

Rate of wages paid at Greenwich Hospital on the average of five years:

	1815-19.		1828-32.		Per Cent.
	s.	*d.*	*s.*	*d.*	Fall.
Bricklayers, per day	5	1	4	9	6½
Masons, ditto .	5	4	5	4	—
Plumbers, ditto .	5	8	5	6¼	2¼
					Rise.
Carpenters, ditto	5	3	5	6	4

are always advantageous to the working classes. We have often heard in this House, that high prices were wanted for the sake of the agricultural and other labourers; but nothing can be more erroneous, as the situation of all the working classes is much worse by every advance, and always improved by every fall, in the price of food and necessaries. I believe the Poor Law Amendment Act, now in operation in one-half of England, will have a very beneficial effect on the future situation of both labourers and farmers. As regards, therefore, the most important portion of the agriculturists,—the labouring classes,—there is no ground for the noble Marquess's motion. It is acknowledged that, at no prior period, has the land been so much improved as it is at present by the application of capital and of industry; that by drainage alone, the productive powers of the land have been increased to a great extent; and in the implements of husbandry and in their application, much improvement has generally taken place. It may be quite correct that partial distress exists among farmers, some from want of capital, others from breaking up poor lands and cultivating their cold clayey soils improperly in wheat. Some may pay very heavy rents, and others may, by bad management, use twice the number of horses necessary for their farms; but there is no claim, on these grounds, for exclusive relief from taxation. The farmers examined before the Committee were unable to point out any direct public tax which pressed upon them, except 1*l.* 8*s.* 9*d.* for a riding horse, and the Window-duty, which, including the duty on servants on a farm of 500 acres, did not amount to more than 10*l.* or 12*l.* a-year; the county-rate was also considered very trifling.

Mr. John Kemp is asked—

> "With regard to the assessed taxes, would it be any relief to you if the remainder of these were taken off horses and off windows?—Yes; it would be a relief, but not to any extent. The taxes for my windows and horses and servants, on a farm of 500 acres in Essex, are about 10*l.* or 12*l.* a-year."

Mr. John Rolfe, a farmer and appraiser of farming-stock, renting from 200 to 300 acres, in the county of Bucks, was asked—

> "Is there any other tax (than the Malt-tax) which presses immoderately upon the farmer?—No, except the assessed taxes. I pay for my riding-horse 1*l.* 8*s.* 9*d.*, and for my groom 1*l.*"
>
> "No tax but the Window-tax presses on the farmer, and I pay for that 4*l.* a-year. There is a county-rate, the removal of which would amount to something, but not a great deal."
>
> "Is there any other tax that presses on the farmer?—No direct tax that I know of.

Mr. Henry Moreton was asked—

> "What do you pay for your assessed taxes?—A mere nothing; our direct taxes are very small. I do not pay on all the land I hold above 10*l.*"

He stated to the Committee, that his farm consisted of 2,000 acres; so that the assessed taxes he pays amount only to a fraction more than one penny per acre. We may, therefore, dismiss the noble Marquess's motion on the plea of general as well as of local taxation, and consider the farmer's situation as a manufacturer of corn.

In whatever way the farmer may look for relief, the most effectual mode will be by reduction of rent, and by strict economy; and the question before us, therefore, becomes almost entirely a landlord's question. I consider the landowners as supplying the capital of land to the farmers, who are the manufacturers of corn, in the same way as the capitalist supplies the manufacturer with money to carry on his business. Not only must the landowner and capitalist receive a proper interest; but the manufacturer and farmer must derive the usual profits for their capital, time, and labour, or they will not be able to continue their business. If the profits of the manufacturer are high, the interest of capital will be so likewise—if the price of agricultural produce rises, the landowners will take care to raise their rents on the renewal of every lease, and if prices fall they are obliged to lower them accordingly; so that high prices and profits will, in a period of years, benefit only the capitalist and landlord, whilst they injure the great mass of the community. Yet, under the false idea that their own condition would be improved by high prices, farmers in general have joined with their landlords in supporting the Corn-laws and high prices, though, as I have already shown, it is their true interest, as much as that of other manufacturers, that food and necessaries should be cheap. The only permanent means, therefore, in my opinion, of improving their condition is the reduction of taxation of every kind, whether imposed by the State, by the county, or by the parish; and their efforts should therefore be made, in conjunction with all other classes, to enforce reductions in every department to the lowest scale on which the government, general and local, can be carried on in peace and security. The farmer has an equal advantage in the low price of food, clothing, and general necessaries with every other manufacturer, who, as experience shows, profits by reduced prices of food, in carrying on his business, with less capital, and in ensuring at the same time a more adequate return than when prices are high. I regret, therefore, to see farmers encouraged to entertain delusive hopes of high prices, which can only be maintained by the restriction of that commercial intercourse between England and other nations, which tends greatly to secure permanent national prosperity. Corn-laws are the means employed for keeping up high prices—they limit the commerce of the country—diminish the industry of both manufacturing and corn-growing countries; and, at the same time, keep the labourers and farmers in poverty. In proof of this I might state, that according to the evidence before the Committee, though the price of wheat has been low, every other agricultural produce has borne a fair price; and yet it is at the same time alleged that the farmers have been generally distressed.

Having thus spoken of the farmers and labourers, let us look at the condition of the landowners. Noble Lords say, they do not possess a monopoly; but I will prove that they have had almost a close monopoly of all articles the produce of the land—a tax to the extent of many millions yearly raised on the rest of the community, since 1815. As I have already stated, there is scarcely a tax bearing on them or upon the land which has not been repealed by their influence in this House—so much so, that when, in the present investigation, some of the witnesses were asked what mode of relief they would propose, or what taxes they could point out as bearing on the land, after much hesitation and doubt, one or two trifling assessed taxes—the county-rates and highway-rates, &c., were the only taxes they could point out. For the landowners, therefore, to say they have not received a due share of attention and relief from this House is truly wonderful. The land and its proprietors have been extensively relieved from general taxation in former years; and the recent Poor-law Amendment Act, accompanied by that moral improvement and independence of the labourers, which I consider to be the certain tendency of the measure, will relieve the land from a large portion of the poor-rate. I have been much maligned for the support I gave to that Bill; but, after the experience of two years, I see no reason to regret the part I took. I have taken the trouble to ascertain, and am enabled to state what has already been the effect on the landed interest. A reduction has been effected in the amount of the poor-rates, in those parishes which have come under the Act, of 40 per cent of the whole rate—and nearly one-half of England has been already formed into unions. The relief to the tenantry, in some parts of the country, has been such that the landowners have declared they will not allow to the farmers, in future, the reduction of 10 or 15 per cent, which, for some years past, they had made in their rent.

A noble Duke (Rutland), in another place, has said—

> That for his own part he had not such sanguine expectations from the result of the labours of the Committees now sitting in the two Houses of Parliament. He felt himself warranted in predicting that the most sure and efficacious relief of agricultural distress would be derived from the Poor-law Act; and he could state the facts upon testimony which could not be doubted, that the reduction of the poor-rates in those parts of the kingdom, which have been already brought under the operation of the Act, amounts to no less a sum than 1,500,000*l.* per annum. If this saving were effected by the sacrifice and at the expense and comfort of those whom we must always consider as deserving our most tender care and considerate attention—he meant the labouring and pauper classes—he was sure that he should not, and he was convinced that not one of their Lordships would countenance the continuance of the measure for another day. But he was certain that no such result of the Act would take place.

The Poor-law Amendment Act will also be a great benefit to the country at large, inasmuch as there will be a moral population depending on their own industry—instead of a demoralized population depending upon the parish—for support. The labourers themselves are also in a better condition, being at liberty to seek employment wherever it can be procured, instead of being, as they were by the old system, confined to one parish, or confined in one poor-house, inducing a system of debasement and idleness; and inevitably causing those mischievous habits and propensities which every hon. Member knows to be consequent upon a number of idle persons congregating together. I was much gratified at finding, by the return of criminal prosecutions in the last year, lately laid on the Table of the House, that they amounted to 715 fewer than in the previous year, which may be owing, partly to the operation of that Poor-law Amendment Act, and partly to the improved situation of the industry of the country.

The House is also at this time engaged with the Tithe Commutation Bill, which, if passed into a law on fair conditions, must be highly beneficial to the landowners, to the farmers, and to the country generally. All these proceedings ought to exempt the Legislature and the Ministers from any charge of neglecting the agricultural interests of the country; and I must express my astonishment that noble Lords should make that charge in the face of all the evidence on the Table of the House, to the contrary. I evidently surprised some Members in stating, on a former occasion, that numerous, wealthy, and powerful communities might exist without landowners; but that landowners would be poor and helpless without manufactures and commerce. I repeat, that this country could bear all the pressure of its enormous debt and taxation comparatively easily, if the landowners had as fair a share of the burthens to bear as their fellow-subjects have; and more so, if the trammels which now limit and impede our commerce were removed; that is, if free-trade were in reality established. I am quite satisfied, that if the opinions of many landowners against free-trade were acted upon to the extent that the East Suffolk Agricultural Association recommend, our highly-cultivated fields would be deserted, and the richest of the landed proprietors be reduced to comparative poverty. It is by capital, acquired by the industry of our manufacturers, and by the commerce of our merchants, more than by landowners, that the credit of the country and its power are supported; and I hope we shall hear no more such absurd opinions as these agriculturists have lately expressed.

I hold in my hand a statement, shewing the relief which has been afforded by the reduction of taxation since 1814, in which all classes of the community have participated. The average amount of taxation and of population has been taken in four periods since 1814, and the amount of taxes, estimated in gold, and in corn, per head in each of these periods—

Amount of Taxation and Population in the United Kingdom.

	Average population of United Kingdom.	The net average produce of the Revenue of the United Kingdom in paper money.	In gold at 4*l*. 5*s*. 10*d* per oz. or 18*s*. 1¾*d* per Bank Note.	Price of Wheat per quarter.	Taxation per Head. In Gold	Taxation per Head. In bush. of Wheat
		£	£	*s*. *d*.	£. *s*. *d*.	
In the period— 1814-19 6 years	20,004,926	60,667,019	55,051,754	69 10	2 15 0½	6·30
1820-24 5 years	21,510,017	—	56,563,240	55 5	2 12 7	7·59
1825-28 4 years	22,886,563	—	55,572,129	60 2	2 8 7	6·46
1829-34 6 years	24,425,679	—	47,804,975	64 1*	1 19 1⅓	4·88

Thus, by comparing the periods, there was a—

	Decrease in the Taxation in Gold of	In the Taxation in Corn.
Between the periods—		Increase.
1820-24 and 1814-19	. 4·47 per cent.	20·48 per cent.
		Decrease.
1825-28 and 1820·24	. 7·61 „	14·89 „
1829-34 and 1825·28	. 19.62 „	24·45 „
1829-34 and 1814-19	. 28·82 „	22·54 „

From this statement it results that there has been, in these twenty-one years, a decrease of taxation, per head, in gold, of 28¾ per cent., and in wheat, of 22½ per cent.; and the corn-growers fully participated in that general reduction of taxation. Corn fell in price from 1814-19 to 1820-24; but since that period the price of corn has risen, whilst the price of almost every British manufactured article has fallen—giving to the agriculturists an additional advantage of nearly 60 per cent. in the purchase of all their clothing, &c.; and it is satisfactory to know that that reduction in the price of manufactures has taken place, by the lessened cost of production, and without loss to the manufacturer. The agriculturists, by this change, can, as I shall hereafter show, purchase at this time as many British manufactured goods for 100*l*., as in the years 1820 to 1824 they could purchase for 160*l*. If the price of wheat be compared with that of foreign articles, the difference will be 70 or 80 per cent., in most of them, in favour of the landowner. No other portion of the community have profited so largely by these changes of price, as the agriculturists have done; and yet they now come forward complaining of distress, and claiming further special relief.

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* The average price of these years, in *The Gazette*, was 59*s*. 8*d*., and the addition of 5*s*. is explained hereafter.

The importance attributed to the agricultural interest, as compared with other interests in this country, is really extravagant; and its real value should be exposed, and placed before this House and the country. The right hon. Baronet, the Member for Cumberland, whom I see in his place, formerly stated that the agricultural interest was the foundation of all the greatness and prosperity of this country;—that the Constitution could not be maintained without that interest, and that the country gentlemen could not be supported if the corn-laws were repealed—a plain admission that the monopoly price of corn must be kept up, at the expense of the rest of the community, to enable country gentlemen to live in luxury,—which is surely contrary to justice and to the principle laid down by the noble Marquess, the Member for Buckinghamshire, who demands relief to the agriculturists from taxation only on an equality with the rest of the people. If the landed aristocracy cannot exist without the corn monopoly, then let them fall. Why should the country gentlemen take the earnings of the artisan, or any other people's money, to support their rank and station? If that doctrine be tenable, the aristocracy may plunder the people, under the guise of a corn monopoly, with impunity; whilst if the poor man were to plunder the rich in any way, he would be severely punished, and perhaps hanged. Such inequality, sanctioned by law, ought no longer to exist.

An hon. Baronet, then Member for Suffolk, under the same mistake, once stated in the House, that if the country gentlemen did not get their rents the revenue could not be collected. In that, however, he was soon undeceived, for, in 1816, although the rents of land were greatly reduced, and the agricultural interest much distressed, yet the revenue increased in that year. I do not by any means undervalue the landed interest; but it is a great error to suppose that the welfare of the country and its revenue depend so much upon the landed proprietors and the amount of the rents they receive. They depend more upon other interests in the country, than the country does on them; and, though it may hurt their vanity to say so, the country might, to state an extreme case, prosper without them. If hon. Gentlemen doubt this, let them look back to the state of Venice, to Genoa; and, lately, to the island of Idra, in Greece, a barren rock, containing 40,000 inhabitants, which did not grow any corn; and yet procured, without difficulty, when I was there, corn in abundance from other places—the inhabitants being supported by commerce. All we want is money or goods to give in exchange for corn; and it matters not so much as some Gentlemen imagine, whether it be with the landed proprietors of England, or with the landed proprietors across the Channel, that we make the exchange. Let landowners reflect on this, and be more moderate in their claims; and not arrogate to themselves an importance so superior to that of the rest of the community.

By the population returns of 1831, the proportion of the agricultural, to the other classes in Great Britain, is twenty-eight per cent.; in Ireland the agriculturists are sixty-three per cent.; the average number of agriculturists in the United Kingdom being about thirty-eight and half per cent. of the whole population. I would ask whether it is to these—little more than one-third of the people—that the interests of the other two-thirds are to be sacrificed. If, in numbers, the agriculturists are so inferior, let us inquire whether they contribute more to the revenue of the country in proportion to the other classes; and whether, on that ground, they deserve special exemption? The net revenue of the United Kingdom in the year ending January 1836, was 46,302,125*l.*, of which the English agriculturists, according to their numbers, should pay twenty-eight per cent., or 11,835,351*l.*, and the Irish agriculturists, 2,716,762*l.*—both together, 14,552,113*l.* But, if the nature of our taxation be examined, it must be evident that they cannot contribute in that proportion. I have made an estimate that they contribute only 9,500,000*l.* of the public revenue, or 5,000,000*l.* less than their fair numerical proportion. The revenue of Great Britain may be divided into four great branches, namely,—

The Customs & Excise contribute of the whole revenue.	72	per cent
The Stamps	14	do.
The Assessed and Land Taxes .	9	do.
The Post-office	5	do.
Making the Total	100	

If the habits of the agriculturists, and of the artisans, and other classes, are considered in their use of exciseable and other taxed commodities, by which the revenue is raised, I am fully warranted in stating that the agriculturists do not pay more than I have stated, or about twenty per cent., instead of thirty-eight per cent. of the whole taxation of the country, both direct and indirect. When I see the great manufacturing, commercial, and shipping interests considered of little importance by some hon. Members, I am induced to draw the attention of the House to their magnitude, and to the difficulties they have had to overcome in consequence of the partiality of the law towards the agriculturists; and, first, as to the cotton trade. In 1834, there were imported 326,875,425lbs. of cotton wool, which, at the average price of 8*d*. per lb., cost 10,895,847*l*. There were 1,200 spinning and weaving mills, and 100,000 power-looms employed. There were about 34,000,000*l*. employed—one-half in fixed, and one-half in floating capital. The value of the manufacture in that year was nearly 35,000,000*l*. sterling, of which 20,500,000*l*. in value was exported, and 14,500,000*l*. retained for home consumption;—the number of persons, of all classes, supported by the cotton manufacture being estimated at upwards of 1,500,000.* If I suppose the agriculturists to consume one-fourth of the quantity of cottons retained for home consumption, which is an ample allowance, their share would only be 3,500,000*l*., or ten per cent. out of the 35,000,000*l*.; and yet the landowners, in this and other places, tell us that the home-market is the best market for the manufactures of the country, and that they would shut out all foreign demand rather than alter the corn-laws. I might with confidence state similar results, as to the home and foreign trade, in the great staple manufactures of woollen, linen, and iron, and ask why the many millions of capital and of persons employed in these and other branches of national industry should be subjected to the monopoly of the landowners.

In some countries in Europe the large proportion of the public revenue which the landed interest contributes, might fairly give them a claim to protection for their produce from competition with the produce of other countries; but, in England, the landed interest pays less to the public revenue, in proportion to their wealth, than any other interest; and, therefore, has no claim to special relief. In France, M. Humann, the Minister of Finance, stated, on the 29th of April, 1833, that the total revenue of France for that year was 1,000,244,000 francs, of which the agriculturists paid 400,000,000, or 40 per cent. of the whole revenue; and, in answer to a complaint made in the Chamber of Deputies, that the agricultural interest was unduly favoured by the corn-laws, "he strongly combated the opinion of the landed interest being unduly protected, maintaining that the direct taxes paid by

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* The following details will give a more complete view of this great branch of our national industry in 1834:—

1. Cotton wool imported .	lbs. 326,875,425
2. Value, at 8*d*. per lb. £10,895,847 . . .	average
3. Number of spinning and weaving mills . .	1,200
5. Number of spindles used in spinning .	10,041,000
6. Number of power-looms	100,000
7. Amount of capital invested—namely,	
Of fixed capital . 17,000,000	
Of floating capital . 17,000,000	
Total capital	£34,000,000
8. Wages paid to factory operatives	6,044,000
Ditto hand-loom weavers	4,375,000
Ditto calico-printers . .	1,170,000
Ditto lace-workers . .	1,000,000
Ditto makers of cotton hosiery	505,000
Ditto bleachers, dyers, fustian-cutters, tools, &c. .	4,000,000
Total wages	£17,094,000
9. Total value of manufactured cotton goods . . .	£34,825,586
10. Home consumption £14,312,000	
Foreign ditto . £20,513,000	
11. Quantity—White or plain cottons . , .	yards 283,950,158
Ditto Printed or dyed . : .	.. 271,755,651
Ditto Twist and yarn	lbs. 76,478,468
12. Number of persons employed,—namely,	
Factory operatives	237,000
Hand-loom weavers	250,000
Calico-printers	45,000
Lace-makers	159,300
Makers of cotton-hosiery . .	33,000
Bleachers, fustian-cutters, tool and machine-makers, .	100,000
Total number	824,300

the landed proprietors in France amounted to 400,000,000 franks, or one-fourth of their net income, independent of their proportion of indirect taxes." In Belgium, the direct taxes were, in the same year, 32,500,000 francs, of which 21,631,614 were taxes on land, amounting to one-fourth of the whole public revenue of 83,000,000 francs. If the Duke of Devonshire, and other landed proprietors, were called upon to pay one-fourth of their net rent roll, there would then be ground for complaint, and a fair claim for protection and relief; but I have demonstrated that the landowners of England are not taxed in proportion to the landowners in other countries in Europe.

I propose now to prove that the English landowners have been, and are still, specially exempted from many taxes which other classes of the community pay. In 1803, when, by the 43d Geo. 3rd, c. 161, the house-duty was generally levied, all farm-houses were then exempted; in 1821, when the total number of inhabited houses in London was 2,429,730, there were 214,239 farm houses then exempted from house duty; in 1825, there were altogether 527,649 houses assessed to the house-tax, of which 355,910 were rented above 10*l.* a-year, and 171,739 below that sum. The number of farm-houses in that year exempted from farm-house duty was 136,434—namely, 130,672 in England, 3,612 in Scotland, and 2,150 in Wales. If I estimate the average rental of these farm-houses at 15*l.* a-year, and suppose their number to have remained the same all the time, the amount of house-tax from 1803 to 1834, on farm-houses would have amounted to 5,000,000*l.* sterling and upwards. When the duty on tiles was imposed, drainage tiles were exempted, and the quantity used has been immense, and has favoured materially the increased produce of the land, which has so generally taken place. Sales of timber on the land, of coppice grounds, of farm produce, stock, &c., have been exempted from the auction-duty, which personal property has paid.

I hold a statement* of the several taxes which bore almost entirely on agriculture, and which have been reduced or altogether repealed, since 1815, amounting very nearly to 1,000,000*l.* a year; and which in the several years up to this time would have amounted to 13,000,000*l.* sterling. But I must call the particular attention of

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* A statement of taxes which bore chiefly on agriculture, and which have been reduced, or altogether repealed, since the passing of the corn-law in 1815, showing the amount of relief given in each year to the landed interest, and the total relief since 1817 to this time:—namely,

	Years.	Amount.
		£
Horses.—Husbandry horses used by farmers at rents under 200*l.* per annum, repealed in	1816	150,119
Mules under 13 hands carrying coals, ore, &c.	do.	1,156
Horses used by farmers, of farms under 50*l.* rent, and gaining a livelihood principally therefrom, but partly by trade .	. do.	60,461
Servants—Labourers in husbandry .	. do.	5,835
Horses—Horses ridden by occupiers of farms at less than 200*l.* rent .	. do.	59,186
Horses employed in carrying coal and wood where not more than four are kept . .	. do.	3,938
Horses used by bailiffs	. do.	273
Mares kept for breeding	1819	3,593
Husbandry horses .	1822	470,108
Horses drawing taxed carts exempted from lower rate of duty thereby chargeable at a reduced rate of duty on horses .	. do.	5,064
Servants. — Husbandry servants occasionally employed as domestic servants .	. do.	34,374
Carriages.—Taxed carts at the lower rate of duty .	1823	9,310
Horses.—All horses chargeable heretofore at 3*s.* each	. do.	4,044
Dogs.—Dogs kept wholly for the care of sheep by farmers at rents under 100*l.* per annum	. 1824	6,876
Horses drawing taxed carts exempted from higher rate of duty thereby chargeable at a reduced rate of duty on horses .	. do.	11,334
Houses and Windows.—Farm-houses occupied by labourers and servants retained for husbandry (by 6 Geo. 4th. c. 7. s. 36)	. do.	6,866
Servants.—Husbandry or trade servants employed as grooms by persons assessed for carriages with less than four wheels	do.	5,076
Carriages.—Taxed carts at the higher rate of duty	. do.	20,675
Horses.—Mules carrying coal, ore, &c. .	1825	71
Horses occasionally let to hire by farmers, at rents under 200*l.* .	. do.	5,637

the House to the legacy and probate duties imposed on personal property of all kinds passing by descent, whilst landed, or real property, has been altogether exempt from any tax; and we cannot show, in more glaring colours, the gross partiality of the law in favour of the landowners, and the great injustice, therefore, inflicted on the rest of the community. In 1785, the legacy duties were imposed on personal property in Ireland, and no tax on landed property. In Great Britain Mr. Pitt imposed the legacy and probate duties, commencing the 1st. of August, 1797, on all personal property, the rate of charge varying from one to ten per cent on the capital; and by a Parliamentary Return in my hand, it appears that the aggregate amount of the tax in Great Britain was little more than 1,000,000*l.* in the first nine years, whilst the amount has been nearly 20,000,000*l.* in the last ten years. The amount of personal property on which the tax was levied has gradually increased from 1,000,000*l.* in 1797, the first year up to 42,000,000*l.* in the last year 1835, and by the same returns the total amount of personal property taxed under that Bill, in 39½ years, was about 941,000,000*l.* at the various rates of one to ten per cent on the amount of property. The total amount of tax actually levied in Great Britain on personal property by descent in the 39½ years—1797 to 1835—both inclusive, was nearly 48,000,000*l.* sterling; whilst landed property has not paid, during that time, 1*l.* of legacy or probate duty on descent. I will not hazard an opinion as to the value of landed property which has been inherited, by descent in these 39½ years, to compare it with the amount of personal property that has been taxed. The landed property of the Duke of Sutherland, of 250,000*l.* a year, did not pay 1*s.*; and we have daily proof of succession to immense landed estates, without their contributing 1*d.* towards the expenses of the Government. Perhaps the greater part of the landed property of the country has passed by descent in that time. Is that equal justice? Should such a system of unequal taxation be allowed to continue? If we add the 49,000,000*l.* of probate duties raised on personal property, to the 13,000,000*l.* of taxes from which land has been exempted, we have nearly 62,000,000*l.* of taxation, from which the land has been exempted in 39½ years.* There were also the 5,000,000*l.*

	Years.	Amount.
Carriages.—Common stage carts drawn by one horse	1832	8,716
Servants. — Stewards, bailiffs, overseers, or managers and clerks under them	1833	10,110
Windows.—Windows in farm-houses .	1834	35,000
Horses.—Husbandry horses, occasionally ridden by farmers at 500*l.* rent per annum . .	do.	10,000
Ditto, used occasionally for other purposes, or let occasionally on hire .	do.	2,000
Horses used by bailiffs, shepherds, &c. .	do.	2,000
Dogs.—Shepherds' dogs .	do.	3,000
Fire Insurance on implements of husbandry and stock .	do.	50,000
		£985,824

Total amount of the savings to the agriculturists by these reductions, reckoning from the year after they were made to the end of the year 1835.

In	Reduced.		Period.	Both inclusive.	
1816..	£281,695..	19	Years, viz.	1817 to 1835	=£5,352,205
1819..	3,868..	16	"	1820 to 1835	= 61,888
1822..	470,108..	13	"	1823 to 1835	= 6,111,404
1823..	52,792..	12	"	1824 to 1835	= 633,504
1824..	6,876..	11	"	1825 to 1835	= 75,636
1825..	49,659..	10	"	1826 to 1835	= 496,590
1832..	8,710..	3	"	1833 to 1835	= 26,130
1833..	10,110..	2	"	1834 to 1835	= 20,220
1834..	52,000..	1	"	1835	= 152,000
					£12,929,577

N.B.—Some of these duties are applicable to persons in trade, but to a small extent only,—the whole having been repealed for the relief of the agriculturists.

* Abstract of the Amount of Legacy and Probate Duties received in Great Britain, from 1st August, 1797, to 5th January, 1835—39½ years.

	England & Wales.	Scotland.	Great Britain.
Aug. 1797* to 1805 ..	£ 970,842	£ 36,599	£ 1,027,442
Jan. 1806* to 1814 ..	6,948,908	209,749	7,158,658
Jan. 1815* to 1823 ..	13,324,502	633,950	13,958,463
Jan. 1824† to 1834 ..	20,432,891	1,180,060	21,612,951
Jan. 1834 to 1836 ..	3,864,768	206,182	4,070,960
Total in 39½ years	£45,541,914	£2,266,543	£47,808,466

Parliamentary Papers, 204 of 1823. † Ibid. 101 of 1834

In Ireland the legacy duties were imposed in 1785, but it is stated that no separate accounts were kept until 1815, and the amount was small.

From 9th of May, 1815, to 5th of January, 1823, the amount of legacy and probate duties, in Ireland, was	£315,719
And from 5th of January, 1823, to 5th of January, 1834	689,527
Total in 18 years	£1,005,246
Ditto in 2 years	128,134
Ditto in 20 years (to 1836)	£1,133,380

And comparing this amount of duty with a similar amount paid in Great Britain, the of house-tax, from which farm-houses were exempted in thirty-one years; also the duty on drainage-tiles; on auctions, on farm-stock, &c., to a considerable amount exempted from any tax. But these accounts are small, when we look at the sums levied for the landed interest, by the monopoly of food.

If the agricultural interest be in distress, I have clearly proved, that it cannot arise from their paying more taxes than other classes pay; and I will now show, that there is little ground for complaint in regard to the prices of the produce of the land, which have been relatively high for the last twenty years, I have prepared a statement of the average prices of wheat, barley, oats, and beans, as published in *The London Gazette:* and in Smithfield of beef and mutton in each year, from 1820 to 1834.* My authority for these statements is the Statistical Tables published with the sanction of Government. The average prices of wheat in the five years 1820-1824 was *55s. 5d.* per quarter, and the price of beef and mutton was *3s. 3d.* per stone. The price of wheat in the next four years 1825-1828 was *6s. 2d.*, or a rise of 8½ per cent., and the price of beef and mutton from *4s. 3d.* to *4s. 7d.* per stone.

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capital, on which these duties were charged, must have been between 25 and 30 millions sterling.

Total of the Capital paid upon, and the Amount of each Rate of Duty in Great Britain, in the 37½ years, from 1797 to 1833, both inclusive:—namely,

At 1 per cent	.	£435,794,565
2 "	.	20,716,610
2½ "	.	69,613,083
3 "	.	216,480,913
4 "	.	12,322,786
5 "		33,651,661
6 "	.	14,365,388
8 "	.	11,521,650
10 "	.	96,439,339
		£910,905,995

Total amount of Capital taxed, and amount of Tax, in the United Kingdom, to 1836:—

	Capital. £.	Duty. £.
Great Britain	910,905,995	47,808,466
Ireland	30,000,000	1,133,380
United Kingdom	£940,905,995	£48,941,846

* Average prices of grain, from 1820 to 1834 inclusive, as published in *The London Gazette,* and the prices of beef and mutton in Smithfield Market during the same period, with the average prices of three periods.

	Wheat.		Barley.		Oats.		Beans.		Beef—Mutton, in Smithfield.							
	per qr.		per qr.		per qr.		per qr.		Jan.		Aug.—Jan.—Aug. per stone.					
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
1820	65	10	33	10	24	9	43	4	4	0	4	0	3	10	4	8
1821	54	5	26	0	19	6	30	11	3	8	3	2	3	6	2	9
1822	43	3	21	11	18	2	24	6	2	6	2	5	2	8	2	2
1823	51	9	31	7	22	11	33	1	2	9	2	9	2	8	3	1
1824	62	0	36	5	24	10	40	1	3	6	4	0	3	5	4	0
Average of five Years.	55	5	29	11	22	0	34	4	3	3	3	3	3	3	3	4
1825	66	6	40	1	25	8	42	10	4	7	4	8	5	2	4	8
1826	56	11	34	5	26	9	44	3	4	9	4	2	4	8½	3	8
1827	56	9	36	6	27	4	47	7	4	7	4	8	3	10	4	9½
1828	60	5	32	10	22	6	38	4	4	4	3	10	3	10	4	0
Average of four Years.	60	2	35	11	25	7	43	3	4	7	4	4	4	5	4	3
1829	66	3	32	6	22	9	36	8	4	1	4	4	4	8	4	4
1830	64	3	32	7	24	5	36	1	4	1	3	9	4	3	4	3
1831	66	4	38	0	25	4	39	10	4	0	4	0	4	3	4	2
1832	58	8	33	1	20	5	35	4	3	2	3	2	4	6	3	10
1833	52	11	27	6	18	5	33	2	3	9	3	9	4	10	3	7
1834	46	2	29	0	20	11	35	3	3	2	3	2	4	5	3	6
Average of six Years.	59	1	32	1	22	0	36	0	4	1	3	8	4	6	3	11

stone. In the next six years, 1829-34, the price of wheat was 64*s.* 1*d.*, or a rise of six and a-half per cent, as compared with 1825-28; and beef and mutton, from 3*s.* 8*d.* to 4*s.* 6*d.* per stone. In 1835, the price of wheat was low; but the prices of other grain, of cattle, of wool, &c., were high. If the average price of 1835 be included with the six preceding years, the average of the seven years will be by *The Gazette* 56*s.* 3*d.*, but in reality 61*s.* 3*d.*, as compared with the five years, 1820-24. If the average prices of the first period of five years of 1820-24, be compared with the last period of six years, 1829-34, there has been a rise of fifteen per cent in prices since 1820-24. The average of the six years. 1829-34, was 59*s.* 1*d.* by *The Gazette;* and I will explain why I have entered it at 64*s.* 1*d.* Mr. Page, in his evidence before the Sale of Corn Committee, stated, that the reduction in the average price of wheat, by the alteration in the mode of taking the averages in 1828, was, at the least, 5*s.* per quarter; and I have, therefore, added 5*s.* per quarter to 59*s.* 1*d.*, to make the actual price of 64*s.* 1*d.*—a fair comparison can thus be made of the prices at those two periods. It is necessary to explain how the averages have been altered, by which the import duty on foreign corn is regulated, so as to give in *The Gazette* a lower average price since 1828 than before. By 31st Geo. 3rd c. 30, the average prices of corn were struck by the proper officers, from returns sent from the twelve maritime districts in England, and the four districts in Scotland. Irish corn was then excluded from the Returns, and continued to be excluded from the averages, until the Act of 1827, when, by 7 and 8 Geo. 4th, c. 58, all corn, the produce of the United Kingdom, was included in the averages. From that year a large quantity of Irish corn (which is generally from 10 to 15 per cent lower in price than English corn) has been included. Moreover, the Returns have, since 1827, been made from one hundred and fifty places, instead of the twelve maritime districts in England, and the four in Scotland, as before. The quantities returned as sold were, from that time, greatly increased, and the averages lowered, by which the rates of duty on foreign corn have been increased. By the Report on the Table, it appears that, in the three years, 1825-27, the average yearly quantity sold, by which the averages were struck, was 1,976,263 quarters.* In the three years, 1829-31, the quantity was 2,838,620 quarters. In the three years, 1832-34, there were 3,818,298 quarters; and in 1835, there were 3,927,620 quarters reported. I deem it important that these changes, which give an advantage of at least 5*s.* a quarter on the monopoly price to the corn-growers, should be well understood by the House.

To ascertain, with any degree of accuracy, the advantage in prices to the landed interest by the Corn-laws, we must ascertain what the prices have been in France, and other adjacent countries, for the last fifteen or twenty years, and compare them with the prices in England. There are three averages of wheat taken in France under the Corn-laws there, and the prices are very different in each district; but they are taken from thirty-six places only, all large towns, and the averages must be of the best kinds of grain. It must also be observed that the quality of grain in France is about fifteen to twenty per cent inferior to that of the grain of England; and allowance should, therefore, be made, accordingly, in any comparison of the prices of corn. France is also injured by her Corn-laws; for though contiguous to the cheap corn countries of Italy, she cannot import from them until the prices exceed those fixed by her Corn-laws, hence the great difference and inequality of price of corn in different parts of France, scarcely intelligible to those who are ignorant of the working of the Corn-laws. I have prepared a statement of the prices of wheat in France for the last fifteen years, compared with the prices in England for the same period, which will shew the great difference and variety of price that has existed.

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* Total quantity of wheat returned, on which the averages were struck. (See First Report on Agricultural Distress, Appendix 4.)

	Qrs.
1825 . . .	2,020,472
1826 . . .	1,886,737
1827 . . .	2,026,580
Average, 1,976,263 qrs. from 12 districts.	
1828 Year of new Corn-laws.	
1829 . . .	2,573,376
1830 . . .	3,140,997
1831 . . .	2,801,487
Average, 2,838,620 qrs. from 150 places.	
1832 . . .	3,295,662
1833 . . .	3,600,321
1834 . . .	3,758,910
Average, 3,818,298 qrs.	
1835 . . .	3,927,620

Yearly average price of Wheat in England.	s.	d.	Average price per Im. Quar.	Increase per cent	Yearly average price of Wheat in France per Imperial Quarter in Francs and in shillings. Per Hectolitre. f.	c.	Per Quarter. s.	d.	Average prices	Increase per cent.
1820	65	10			16	54	37	11		
1821	54	5			18	66	42	9		
1822	43	3	55s. 5d.		14	4	32	3	38s.	
1823	51	9		8.57	18	20	41	8		2·17
1824	62	0			15	34	35	7		
1825	66	6			14	66	33	7		
1826	56	11	60s. 2d.		15	22	34	10	38s. 10d.	
1827	56	9			16	50	37	10		
1828	60	5			21	51	49	3		
1829	66	3		6.65	22	26	51	0		18·75
1830	64	3			21	2	48	2		
1831	66	4	59s. 1d.		21	95	50	4	46s. 1d.	
1832	58	8	64s. 1d.		24	7	55	2		
1833	52	11			16	96	38	10		
1834	46	2			14	35	32	11		

Average of fifteen years, 58*s.* 3*d.* in England. Increase per cent, from the first period to the last, in England 15.64 per cent. Average of the fifteen years in France 18*f.* 9*c.*, or 41*s.* 6*d.*, or forty per cent higher in England than in France. Rise of price from first period to last 21.05 per cent in France.

The price of wheat at this time in Paris is 36*s.* 8*d.*; at Bourdeaux 45*s.*; at Orleans 32*s.* 10*d.*; at Verdun 23*s.* to 25*s.* The price of flour in London is 48*s.* per sack of 280lbs., and in Paris only 28*s.* 3*d.*; therefore flour is 69⅞ per cent. dearer in London than in Paris. I have also prepared a statement of the prices of wheat on the 6th of this month (April) at four ports on the Continent, converted into the price per English quarter, to show the difference of the same grain in those ports and in London at this time.

Places.	Price.	Quantity.	Price per English Quarter. s.	d.	Quality.	Mean Price per Quarter in London. s.	d.	Per Cent. dearer in London.	With the Import Duty on Foreign Corn at 42s. 8d. per Quarter, equal to the following Rates per cent. on prime cost. £	s.	d.
At Hamburgh	86 rix dol.	per last.	27	9	White Wheat.	57	0	115⅛	161	0	2
Ditto . . .	78 rix dol.	per do.	25	2	Red Wheat.						
Antwerp . .	8¼ florins.	per hecta.	34	4	1st Red.	54	0	57¼	124	5	5
Amsterdam .	175 florins.	per last.	28	3	1st Zealand.	57	0	101⅔	151	0	8
Stettin . . .	34 dollars.	wispl.	23	2	1st quality.	54	0	133⅛	184	4	0
Mean price at these 4 places. .	. . . .	. . .	28	1	1st quality.	57	0	103	151	18	7

By the Returns on the Table of the House*, it appears that in the ten years, 1822—31, both inclusive, the average price of wheat in Amsterdam was 31*s.* 4*d.* per quarter; the average of all Holland was 29*s.* in the same period. In Bourdeaux, in the same ten years, the average price of wheat was 43*s.* 2*d.*, whilst in England and Wales, in the same period, the average was 59*s.* 5*d.*,—so that the price of wheat was 37¾ per cent. dearer in London than in Bourdeaux; 97⅗ per cent. higher in London than in Amsterdam, and 104¾ per cent. higher in London than on the average of all Holland. The duty, at this time, on wheat is 42*s.* 6*d.* per quarter; and whether we compare the prices of wheat in England with the prices in France, Holland, or the north of Europe, it is quite evident that our Corn-Laws, by prohibiting importation, except with a very high duty, give a monopoly to our landed interest of from 12,000,000*l.* to 15,000,000*l.* sterling yearly. Some calculations go much higher; but the advantage of 300,000,000*l.* in favour of that interest, and at the expense of the rest of the community, in the last twenty-one years, is an allegation which calls for the early and serious attention of a manufacturing and commercial country.

Besides the heavy duty on grain of all kinds, there are ninety articles chargeable with duties on importation for the protection of similar articles, the produce of the land in the United Kingdom, which give on all these a monopoly-price to the landowner against the consumers. The following is a list of some of the principal articles taxed:—

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* Statistical Tables, part 3, page 575.

ARTICLES.	Quantity.	Price.		Rate of Duty.		Per Centage of Duty on Price.
	per	s.	d.	s.	d.	per cen.
Apples . .	Bushel	4	0	4	0	100
Beef . . .	Cwt.	40	0	12	0	30
Beer . . .	32 Gallons	37	4	53	0	140
Butter . .	Cwt.	84	0	20	0	24
Candles (tallow)	Ditto	56	0	63	4	111
Cheese . .	Ditto	65	4	10	6	16
Eggs . .	120	6	0	0	10	14
Hams . .	Cwt.	65	4	28	0	45
Hay . . .	Load	80	0	24	0	30
Hides . .	Cwt.	56	0	4	8	8
Leather . .	ad valorem	.	.	30*l.*		30
Pork . . .	Cwt.	54	0	12	0	22
Tallow . .	Ditto.	42	0	3	2	7
Oils (Rape and Linseed). .	Ton	42*l.*		40*l.*		95
Bacon . .	Cwt.	44	0	28	0	65
Spirits distilled from corn .	Gallon	3	0	22	6	750

Besides these articles, which may be admitted on paying heavy duties, there are other articles of general consumption, and of the first necessity,—namely, great cattle, beef, fresh or slightly salted, mutton, lamb, swine, and malt, which are altogether prohibited from importation. There are no Returns of the amount of consumption of these articles in Great Britain; and, therefore, no correct estimate can be formed of the additional tax paid, in the form of increased price, by the community in consequence of the complete monopoly which is thus by law established: but the aggregate charge upon the nation, by all these exemptions and monopolies in favour of the landed interest, must soon demand the serious attention of this House, if they are to represent the wants and to take care of the interests of the nation.——

Sir *John Tyrrell:* Is this the French or the English Budget?

Mr. *Hume:* Only part of the English. I have proved how the prices of every article, the produce of the land, have been kept up in favour of the landowners and I shall now show the extent to which the prices of almost every article of British manufacture, and of foreign and colonial produce, have fallen in the same period. If we divide the fifteen years into three periods, it will be found that, on the average of the five years, 1820-24, the price of white cotton cloth per yard was 9*d.*; in the next period of four years, 1825-28, 7¾*d.*; and in the last period of six years, 1829-34, the price had fallen to 5¼*d.*; so that the prices of white or plain cotton exported from the United Kingdom had fallen 35½ per cent, in the whole period from 1820-24, to 1829-34. and in that period the price of English wheat had advanced 15½ per cent.

	Cotton cloth exported. Yards.	Declared value £	Average price per Yard
In the first period of five years, 1820-24	791,032,920	29,805,741	9*d.* 043
Second, of four years, 1825-28	669,615,711	21,892,212	7*d.* 845
Third, of six years, 1829-34	1,509,457,765	36,698,437	5*d.* 836

The period 1825-28, compared with 1820-24, exhibits a fall in price of 13.24 per cent.—1829-34 with 1825-28, a fall of 25.61 per cent.—1829-34 with 1820-24, a fall of 35.46 per cent.

The prices of Glasgow fabrics of book and Jaconot muslins, and of checks, exhibit, in the same years, a fall of 18 to 34 per cent;* and I am informed, by an intelligent manufacturer in Glasgow, that the reduction in the price of cotton fabrics generally has been more than 45 per cent since 1820. In cotton twist the reduction has been from 2*s.* 1*d.* per lb. on the average of the years 1825-28, to 1*s.* 3*d.* in the period 1829-34, when estimated on the aggregate quantity exported and the declared value thereof.

In the Years.	Official Value or Quantity.	Declared Value-	Yearly Average Quantity Exported.	Average per lb.	Fall per cent. one period with another.
1820-24	132,138,558*l.*	13,591,926*l.*	26,427,712 lbs.	2*s.* 1-14*d.*	22.67 per ct.
1825-28	170,215,790	13,839,050	42,553,950	1 7-44	..
1829-34	412,679,812	26,723,532	68,779,969	1 3-54	20.6 per ct.

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*	Book Muslins, per Yard		Jaconot Muslins, per Yard.		Heavy Stripes and Checks, per Yard.
1820....	10d.	..	13d.	..	10¾d.
1822....	9¾	..	12	..	10
1824....	8¾	..	11	..	9⅝
1825....	10	..	13	..	11⅝
1826....	7½	..	9	..	8⅜
1828....	7⅜	..	10	..	7⅝
1830....	6½	..	7¼	..	6⅜
1832....	6½	..	7½	..	6½
1834....	6⅞	..	7¾	..	7⅓
1836....	7½	..	8½	..	8¾

A fall in prices in sixteen years, of 25 per cent, on book muslins; ditto of 34 3-5ths per cent, on jaconot muslins; ditto of 18 3-5ths per cent on heavy stripes and checks.

So that the fall in price from the period 1820-24 to 1829-34, was 39 per cent nearly.

The reduction in printed and dyed cottons has been equally large. In the linen trade the reduction since 1820 has been from 17 to 20 per cent; in canvas and other branches to a greater extent. By a statement in my hand, the selling price of canvas at Leeds has declined since 1813 upwards of 40 per cent, whilst the wages have fallen only 6¼ per cent. The price of the raw material fell from 84*l.* in 1813 to 24*l.* in 1833, being a reduction of 71½ per cent.*

The price of hardware of every kind has been reduced in a still greater degree. I hold in my hand a statement† of the wholesale prices of some of the most useful articles for farm and domestic purposes, such as curry-combs, candlesticks, fryingpans, spoons, &c., showing a fall in the prices of those articles since 1818, of 30 to 70 per cent., which must have benefitted the agriculturists greatly, as well as other classes.

I have a return, to show that coals have declined from 30 to 40 per cent; lime 18 to 20 per cent; and, in short, every article of home produce, except agricultural produce, has decreased greatly in price.

Of foreign and colonial produce, the prices have fallen to a greater extent than home produce. Cotton-wool has fallen since 1814-19, from 60 to 67 per cent;* coffee, sugar, and rice, from 28 to 64 per cent. East India produce from 20 to 70 per cent.† Wines have fallen from 5 to 25 per cent.

If we compare the price of wheat, and the official and declared values of British manufactured goods, in the five years—1820 to 1824, when wheat was 55*s.* 5*d.* per quarter, with the official and declared values of British manufactures in the period 1829-34, when wheat was 64*s.* 1*d.*, we shall find that wheat has risen in price 15½ per cent., whilst British manufactures have

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* Statement of the price of No. 37 Canvas, and the wages of weaving a piece of the same, 36 inches wide, 16 threads of warp, 17 of weft, per inch.

	A piece of Canvas, No. 37.		Wages of Weaving.		Riga Hemp per Ton.
	s.	*d.*	*s.*	*d.*	£
1813	30	0	2	8	84
1814	30	0	2	8	60
1815	28	0	2	10	53
1816	22	0	2	8	43
1817	20	6	2	6	41
1818	21	3	2	8	49
1819	23	0	2	8	47
1820	23	0	2	8	49
1821	20	6	2	8	40
1822	20	0	2	8	41
1823	21	0	2	8	41
1824	19	0	2	6	38
1825	19	3	2	7	42
1826	18	0	2	6	37
1827	16	6	2	6	37
1828	15	0	2	6	38
1829	16	0	2	6	40
1830	17	0	2	6	40
1831	19	0	2	6	38
1832	18	6	2	6	35
1833	18	0	2	6	24

† Statement of Prices of Hardware in the Years from 1818 to 1832.

ARTICLES.		1818.		1824.		1828.		1832.		Rate of Reduction.
		s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d*	
Bolts for doors......	per doz.	6	0	5	0	2	3	1	6	or 70 per cent.
Curry-combs......	,,	2	9	2	6	1	5	0	11	or 66.67 ,,
Candlesticks, six inch, brass	per pair.	2	11	2	0	1	7	1	2	or 66 ,,
Frying-pans	per cwt.	25	0	21	0	18	0	18	0	or 28 ,,
Latches for doors, bright thumbs	per doz.	2	3	2	2	1	0	0	9	or 66.67 ,,
Shovel and tongs, fire-irons	per pair	1	0	1	0	0	9	0	5½	or 54.17 ,,
Tinned table-spoons	per gross	17	0	15	0	10	0	6	9	or 60.30 ,,
Japanned tea-trays, 30 inch	each	4	6	3	6	2	0	1	5	or 68.52 ,,

* Average Prices of Imported Merchandise in periods of Years 1814 to 1835, inclusive; shewing the gradual decrease in Money value of average prices from

ARTICLES.		1814 to 1819			1820 to 1824			1825 to 1828			1829 to 1834			Decrease per cent between the first and last periods.
Cotton wool:—	per lb.	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*	
American		0	0	21½	0	0	9¼	0	0	7¾	0	0	7	67
East India		0	0	14	0	0	7¼	0	0	6	0	0	5¼	62
Brazil		0	0	25	0	0	11½	0	0	9½	0	0	8½	66
Total import of all kinds of cotton		0	0	16		..			..		0	0	6½	60
W. India Coffee	per cwt.	0	93	9	101	0	9	0	59	4	0	67	7	28
Do. sugar	,,	0	88	4	0	46	0	0	39	6	0	31	10	64
American rice	,,	0	33	6	0	17	0	0	18	6	0	16	1	52
Jamaica Log-wood ..	per Ton	12	9	0	8	16	0	7	12	0	7	11	0	39
Russian Hemp	,,	47	16	0	34	9	0	37	0	0	31	16	0	33

(† *See Note Table next page.*)

fallen 30½ per cent.* A rise of 15½ per cent. in wheat and a fall of 30½ per cent. in manufactures is equivalent to a rise of 66 per cent in wheat, (manufactures remaining stationary), or to a fall in manufactures of 39 per cent. (wheat remaining stationary). The corn-growers can, therefore, command the same quantity of British manufactures with 61 bushels of wheat, that they could in the years 1820-24 have purchased with 100 bushels. Under these circumstances therefore, the agriculturists ought now to be in a situation, with respect to the prices of food and manufactures, 66 per cent better than in 1820-24.

Money has also become cheaper, and the land-owners have had the full benefit of that reduction in the interest of their mortgages, and in their farm capital. The public, by the reduction of the 5 to 3½ per cent., have been benefitted, whilst the fundholders have lost nearly one-third of their income; and yet we have an outcry from the landed gentlemen, that the fundholders have not suffered any reduction in their incomes since the reduction of cash payments. In Exchequer-bills, the public paid, in 1816, at the rate of 3½*d.* per day for 100*l.*, or 5*l.* 6*s.* 5½*d.* per cent.; and the interest is now only 1½*d.* per day, or 2*l.* 5*s.* 7*d.* per cent., being less than one-half what it was twenty years ago.†

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† Abstract of Average Prices of Articles Imported and sold by the East India Company in the four following periods; showing the Decrease in the Price from the first Period.

ARTICLES.	1814 to 1819. Average Prices.	1820 to 1824. Average Prices.	1825 to 1829. Average Prices.	1830 to 1835. Average Prices.	Decrease per Cent between the first Period and the last.
Cinnamon	11*s.* 4*d.* per lb.	6*s.* 5*d.* per lb.	5*s.* 7*d.* per lb.	6*s.* 2*d.* per lb.	46 per cent.
Cloves	3*s.* 8*d.* ,,	3*s.* ,,	1*s.* 7*d.* ,,	1*s.* 1*d.* ,,	70 ,,
Cassia........	15*l.* per cwt.	7*l.* 10*s.* per cwt.	5*l.* per cwt.	3*l.* 15*s.* per cwt.	75 ,,
Indigo........	6*s.* 2*d.* per lb.	7*s.* 3*d.* per lb.	7*s.* per lb.	4*s.* 9*d.* per lb.	22 ,,
Lac Dye	4*s.* 4*d.* ,,	3*s.* ,,	2*s.* 7*d.* ,,	1*s.* 6*d.* ,,	65 ,,
Camphor	12*l.* per cwt.	9*l.* 10*s.* per cwt.	8*l.* per cwt.	5*l.* 10*s.* per cwt.	54 ,,
Pepper, black	10*d.* per lb.	8*d.* per lb.	4½*d.* per lb.	3½*d.* per lb.	55 ,,
Saltpetre	56*s.* per cwt.	26*s.* per cwt.	24*s.* per cwt.	33*s.* 6*d.* per cwt.	40 ,,
Rice, Bengal	18*s.* ,,	18*s.* ,,	16*s.* ,,	13*s.* 6*d.* ,,	25 ,,
Raw Silk of Bengal	22*s.* 4*d.* per lb.	18*s.* 3*d.* per lb.	16*s.* per lb.	14*s.* per lb.	37 ,,

* Statement shewing the official and declared values of British manufactures exported from 1820 to 1834 inclusive, in periods of years.

Years.	Quantity, or official value of exports.	Declared value of exports.	Proportion of official value to declared do.	Fall per cent of manufactures	Price of Wheat.	Price per cent of Wheat
	£	£				
1820-1824	216,003,825	183,907,594	at £1 : £0.851	=12.10	55*s.* 5*d.*	=8.5
1825-1828	193,148,490	144,411,144	1 : 0.748		60.2	
1829-1834	386,885,429	229,006,860	1 : 0.592	=20.28	64.1	=6.65
Fall of manufactures, and rise of wheat per cent comparing the last period 1829-34, with the first period 1820-24.				30.43		15.6

† Interest on Exchequer-bills.

	Per Cent. £.	*s.*	*d.*
From April 29, 1812, to February 29, 1816, interest 3¼*d.* per day for 100*l.*, or	5	6	5½
From Mar. 11, 1816, to Nov. 21, 1816, interest 3¼*d.* per day for 100*l.*, for	4	18	10½
From Nov. 22, 1816, to Feb. 24, 1817, interest 3*d.* per day for 100*l.*, or	4	11	3
From Feb. 24, 1817, to Oct. 7, 1817, interest 2½*d.* per day for 100*l.*, or	3	16	0½
From Dec. 17, 1817, to June 14, 1824, interest 2*d.* per day for 100*l.*, or	3	0	10
From June 15, 1824, to Dec. 20, 1825, interest 1½*d.* per day for 100*l.*, or	2	5	7½
From Dec. 20, 1825, to Sep. 30, 1829, interest 1¾*d.* per day for 100*l.*, or	2	13	2¾
From Sep. 30, 1829, to 1835, interest 1½*d.* per day for 100*l.*, or	2	5	7½

The fall in the value of money from 1816 to 1835=60.93 per cent.

There is only one other branch of industry which I will bring before the House —one of the highest importance to the country, and which has suffered by the Corn-law monopoly as much as, if not more, than any interest—I mean the shipping interest; and I regret to have witnessed the shipowners so often amongst the most strenuous opposers of the repeal or modification of these laws. The British commercial shipping interest, though subjected to the high price of food and of higher wages (the necessary consequence of high-priced food), have to compete with the shipping of the rest of the world; and their situation in that respect has not been considered with that favour and attention which their importance demands. It is worth observing that, although the mercantile navy of this country is very properly considered essential to the support of our naval superiority, all relief has been refused most pertinaciously to the shipping interest, whilst relief has been given in every possible way to the agriculturists. For example, very lately, the insurance-duty on farm stock and farm implements was taken off, and it is proposed, in this year, to remove the duty on insurance of farm buildings; but the marine insurance is continued, as if to press on the already oppressed shipping interest. By the official Returns, on the 31st of December, 1835, the number of ships for the United Kingdom, was 25,510, measuring 2,783,761 tons, and navigated by 171,020 men. The estimate of the value of these ships, new and old, at 7*l.* 10*s.* per ton, will give the total value of the mercantile marine of the British empire at 20,878,207*l.* of fixed capital; and if the seamen's wages be estimated at 45*s.* per month on the average, their monthly pay of 384,795*l.*, if employed only ten months in the year, would amount to 3,847,950*l.* The price of provisions for the British shipping may be fairly estimated at 30 to 40 per cent. higher in England than at Hamburgh and other continental ports; and timber for ship-building continues subjected to heavy duties. If the rates of freight had continued high, to cover those high wages and high-priced food and building materials, the shipowners would have had little ground of complaint; but freights, to every part of the world, have fallen to a great extent. The average freight of transports in 1814 was 22*s.* 6*d.*; in 1820, 14*s.* 6*d.* per ton; and for the last five or six years, 13*s.* The freights paid in Liverpool, to and from the West-Indies, have fallen from 40 to 50 per cent. since 1814.* From Liverpool to the United States there has been a decline in freight of 49 per cent. since 1820, and of 85 per cent since 1814.†

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* Average Rate of Freight paid in Liverpool.

From	1814.	1815.	1816.	1817.	1818.	1819.	1820.	1821.	1822.	to 1835.	Average of 1814 to 1820.	Average of 1820 to 1835	Fall per cent. between two periods.
													per cent.
Demerara—on sugar and coffee, per cwt.	9*s.*	9*s.*	8*s.*	7*s.*	6*s.*	5*s.*	3*s.* 6*d.*	....	....	From 1820, it has ranged from 4*s.* to 2*s.* 6*d.*; average 3*s.*	6*s.* 9½*d.*	3*s.*	55—83
Ditto—cotton, per lb.	3*d.*	2½*d.*	2½*d.*	2*d.*	1½*d.*	1*d.*	1*d.*	....	....	From 1823, the average has been ¾*d.* . . .	2*d.*	¾*d.*	62—5
New Orleans—cotton.	war	war	war	1½*d.*	1*d.*	1*d.*	1*d.*	....	....	Since 1823, ranged rather less than ¾*d.*; lately ⅝*d.* . .	1⅛*d.*	⅝*d.*	44—45
Canada—ashes, per ton, of 40 feet.	110*s.*	90*s.*	80*s.*	60*s.*	60*s.*	55*s.*	50*s.*	50*s.*	45*s.*	Now and for several years past, 37*s.* 6*d.* . .	72*s.* 1*d.*	43*s.* 2*d.*	39—42
Leghorn—rags per ton.	10*l.*	8*l.*	8*l.*	....	....	....	....	....	....	From the Mediterranean, say Leghorn, Sicily, &c. 40*s.* is now considered fair. .	8*l.*	2*l.*	....
Virginia — tobacco, per hhd.	war	war	84*s.*	50*s.*	45*s.*	50*s.*	45*s.*	50*s.*	45*s.*	For several years averaging under 30*s.* . .	54*s.* 9*d.*	30*s.*	....
New Brunswick—timber.	war 8*l.*	war 7*l.*	....	then	60*s.*	55*s.*	50*s.*	....	....	When it fell to about 32*s.*; it is now 35*s.* to 37*s.* . .	....	....	....
Quebec—ditto.	....	....	....	....	....	....	....	....	....	From 40*s.* to 42*s.* . .	....	....	....

† Freight of fine goods from Liverpool to the United States from 1814 to 1835:—

	Goods per Ton. s.	d.		Goods per Ton. s.	d.
1814 . .	50	0	1816 . .	50	0
1815 . .	50	0	1817 .	40	0

There has been much distress in the shipping interest since the war; and the high prices of provisions, wages, and materials, and the low rates of freight, satisfactorily account for the same. If the Corn-laws were repealed, the shipping would benefit largely in all these respects, and also become carriers of corn to a considerable extent.

So much has been said by some of the advocates of the landed interest about the scarcity of money, and the difficulty the agriculturists have had to contend with since the resumption of cash payments, that I have taken considerable trouble to ascertain what has been the state of the currency since 1814 to the present time; and the House will be perhaps surprised to hear that there now is, and has been, more money in circulation for the last six years, than for the six years preceding 1819. I rejoice at the change which took place in the currency of the country in that year, and I am pleased that I gave that measure of the right hon. Baronet, the Member for Tamworth, my support at that time. I should now be sorry to see any attempt made to alter the provisions of that Act, or to tamper in any way with the currency of the country, I admit that, in the change that took place from paper to gold currency, many persons suffered severely; but to retrace our steps would only inflict distress on others, and unsettle every pecuniary agreement in the country; I therefore trust the metallic currency will be adhered to.

By the statement in my hand, the annual average circulation of the Bank of England and of country bankers, during the period from 1814 to 1819, was,—

In paper	£44,248,000
Private deposits in the Bank of England	1,750,400
Silver coin in circulation	4,500,000
Total circulation	50,498,400

which if reduced to the value of gold currency of this day, at 18*s.* 1¾*d.* per 1*l.* Bank note, would be 45,816,777*l.*; whilst in the year 1834 the total quantity of money was upwards of 63,000,000*l.*—namely,

The Bank of England notes in circulation	£18,885,500
The notes of country bankers and joint stock banks	10,376,970
The private deposits in the Bank of England	10,529,000
Gold coin	16,000,000
Silver coin	8,000,000
Total	63,791,470

And therefore, the total quantity of metallic and paper currency, in 1834, exceeds that of the boasted paper system to the amount of 17,974,693*l.*; being an increase of 39¼ per cent. more than in 1814-19. There can scarcely be any mistake in this statement, as all that relates to paper at the respective periods is taken from official Returns. From 1814 to 1819 there was no gold in circulation; and the estimate of gold coin of 16,000,000*l.*, at the present time, to fill up the small note circulation of the Bank of England and the country bankers (which was 14,000,000*l.*) must be moderate. In 1836 the circulation is certainly larger. Some persons have had doubts whether private deposits should be considered as part of the currency or not; but, as they are available on demand, they must be considered in the same light as if they were in the pockets of the depositors, ready to be used; and, therefore, to exhibit the whole of the circulation, the deposits of private persons in the Bank of England must be taken into account. In the yearly average of the first six years these deposits amounted to only 1,750,400*l.*; in the year 1834 to 10,529,000*l.*, which, being part of the preceding sums, makes the total amount of currency at the command of the community,—namely, in the years of high prices, 50,498,400*l.*; and in the year of low prices, 63,791,470*l.*

	s.	*d.*		*s.*	*d.*
1818	40	0	1827	22	6
1819	25	0	1828	20	0
(Average, 42*s.* 0*d.*)			(Average, 28*s.* 6*d.*)		
1820	25	0	1829	20	0
1821	35	0	1830	15	0
1822	40	0	1831	20	0
1823	40	0	1832	20	0
1824	30	0	1833	20	0
(Average, 34*s.*)			1834	20	0
1825	30	0	1835	17	6
1826	40	0	(Average, 19*s.*)		

The fall in the freights has been gradual from 1815 to 1835—in all,—

Viz., In the period, 1820-24, as compared with the period 1814-19, per cent. fall, 20; ditto, 1825-28, ditto, 1820-4, per cent. fall· 16; ditto, 1829-34, ditto 1825·28, per cent, fall, 33.—Total decline from 50*s.* to 17*s.* 6*d.*—85 per cent.

Public Government deposits in the Bank have, of late years, been between 3,000,000*l.* and 4,000,000*l.*; but they have not been noticed in my estimate of either of these periods. If the high prices of articles in the first period, as compared with the present prices, be observed,—if the improved system of banking, and the greater facility of payments are considered, it must be evident that 50,000,000*l.* of currency, in the present day, would effect one-half more of payments than that amount could have effected in 1814-19. But as there are 63,000,000*l.* instead of 50,000,000*l.* of currency for that purpose, it is quite ridiculous to complain of the want of currency at the present time as the cause of agricultural or any other distress; and it is to be hoped that the knowledge of what I have now stated will set at rest such complaints for the future.

I believe I have now completely made out my case, and I am ready to submit the various statements I have made to the strictest investigation, believing them to be substantially correct. In conclusion, I allege that the landed interest have been more favoured than any other interest in the country, that they are not taxed as the landowners in France, Belgium, Holland, and other countries in Europe, where they pay nearly one-fourth of the net rent of the land as a tax to the State; that the landowners do not pay their fair proportion of the general taxation of the empire; and that they have been specially exempted from taxes that would have amounted to 13,000,000*l.* since 1817; that they pay no tax on the descent of landed property, whilst all personal property is taxed with legacy and probate duty, which has amounted to 49,000,000*l.* in the last thirty-nine years and a-half. That the corn-laws give a partial monopoly of all kinds of corn, whilst the importation of cattle, swine, and other articles of animal food, are altogether prohibited, and a complete monopoly thereby established. That there are besides 90 to 100 articles of food, many of them of the first necessity, which are subjected to heavy duties on importation, to protect similar articles the produce of the land, by which the prices of all these articles are raised to the consumers. That the price of corn is 40 to 50 per cent. higher in England than in France, and 80 to 100 per cent. higher in London than in the North of Europe; that the comforts of the working classes, though now considerable, are much diminished by the high price of food; that the manufacturing, commercial, and all other classes, are subjected, by those monopolies, to heavy taxation in the price of their food. That, in fact, no class of the community are so clamorous for relief, and who require it so little as the landowners; and, therefore, the motion of the noble Marquess ought to be resisted. I will concur in any motion for the reduction of general taxation that shall relieve all classes of the community—I voted for the total repeal of the malt-tax in the last Session with that view, and I am ready to do so now; but I see no valid reason, whatever, for the motion now before the House, and I hope the noble Marquess will not press it to a division. I will add, that if only one-half of the allegations I have made respecting the landed interest be correct, the Motion should meet with the decided opposition of the House.

Sir *James Graham* was not disposed to follow the hon. Member for Middlesex through all his details, and to enter into a discussion on the present occasion as to the general merits of the corn-laws; whenever that question might be introduced he should be ready to maintain the opinion he had always entertained against the alteration of those protective laws. He was not less attached to the landed interest than the noble Marquess (Chandos) and the noble Lord the Member for Shropshire; but he endeavoured to temper his attachment with discretion. He regretted that the motion now under consideration had been brought forward on the present occasion; and he thought it his duty to recommend the noble Marquess to withdraw it; for if it was pressed to a division, he should be under the painful necessity of voting against it. He agreed with the noble Lord opposite in thinking that the discussion of the present question was premature, while a Committee of Inquiry on the subject was still sitting, and in absence of any Report from that Committee. He could not better illustrate the inconveniences likely to result from the immediate adoption by the House of any proposition like the one submitted to it, than by stating that the evidence as yet produced before the Committee of Inquiry had produced on his mind a conviction directly opposed to the inference drawn by the noble Marquess, who considered that the evidence already proved, that since the inquiry in 1833, the condition of the agriculturist had deteriorated. Now, it appeared to him that, with the single exception of wheat, every other article of agricultural produce most valuable to the farmer had risen in price,—viz. barley, oats, beans, wool, and meal. The fall in the price of wheat might be attributed to the great increase in the amount sown, and the abundant harvest of 1834 had also had an effect in depreciating the price. With respect to the clay lands, which were the most distressed, the three last dry seasons had increased their productive qualities, and thereby added a good deal to the amount of wheat brought to the market. Artificial causes had likewise tended to the same result. The landlords of England had in many instances reduced their rents, and had assisted their tenants in endeavouring to improve the land; and he believed that at the present moment the productive power of the land in England and Wales was greater than it ever had been before. The facilities afforded for the transmission of wheat by steam from Ireland and Scotland tended to reduce the price of the article in this country. He admitted that the increase in the importation of wheat had not been proportionately so great from Ireland as from Scotland, but the productive power of the former country had increased, and the importation of wheat from Ireland in the manufactured form of flour had greatly augmented. All these causes, natural and artificial, accounted for the depreciation of the price of wheat in this country. It appeared to him that there were only two modes by which the House could affect the price of wheat; they must either diminish the supply of the article, or increase the supply of money, by which the value of the article was measured. He should not detain the House by discussing the latter mode, because it appeared to be the general feeling that it would be inexpedient incidentally to debate the question of currency, either as regarded the circulating medium or the standard of value. Then with respect to the other mode—the diminution of the supply of wheat—he saw in the evidence given before the Committee of Inquiry, a strong reason for allowing things to take their natural course. It had been shown that the farmers, having found out that beans, oats, and barley, constituted a more profitable crop than wheat, had this season diminished the amount of the wheat sown. There was also evidence before the Committee, that since the inquiry had been commenced, wheat had risen from 40*s.* to 49*s.* and 50*s.* per quarter; and—to use an expression which he did not like—he believed it would rise to a remunerating price long before the Report of the Committee would be presented. The noble Lord, the Member for Shropshire, after exercising all his ingenuity, could discover only two modes of giving relief to the agricultural interest. The mode to which the noble Lord first called the attention of the House, was the reduction of local burdens. Now, in passing, he would observe, that resolved as he was to defend the policy of protective laws with reference to agriculture, he rested that defence on the concurrent policy of leaving a large portion of the local burdens payable by the land on the landlords. If they got rid of those burdens, they would be depriving themselves of the main argument in support of the policy of protective laws. The first point to which the noble Lord, in his enumeration of local burdens, referred, was the poor-rate. He considered the answer given by the noble Lord, the Secretary of State, to the observations of the noble Member for Shropshire on that point perfectly triumphant; and he was happy to have taken a part in the introduction of a measure which had been shown to have produced great benefit—he meant the Poor Law Amendment Act. By the operation of that Act there had been a reduction of burden during the last twelve months, in a certain number of parishes, of 49 per cent., or a sum no less in amount than 1,200,000*l.* With reference to the second point, it appeared, that one of the principal expenses thrown upon the county rates was the institution of prosecutions, and the administration of justice as connected with clerks of the peace and clerks of the Crown. His right hon. Friend, the Member for Kent, was at the head of a Commission on the subject of county rates; they had made one Report, and he confidently anticipated that the adoption of the recommendations contained in the second Report they were about to make would effect a great saving in this respect. The noble Lord who brought the motion under consideration had advocated the reduction of the duty on malt. He considered that the reduction of that impost would have so injurious an effect upon the whole system of taxation of the country, that if it were carried, the Chancellor of the Exchequer would be reduced to the necessity, either of substituting other taxes, far more objectionable in their nature, or of resorting to a property tax. The noble Lord claimed for the farmers the privilege of wetting their barley, and drying it for the use of their cattle. Why, if he were not very much mistaken, there was an excise regulation in existence at the present moment which allowed them to subject their barley to this process. He now came to the main objection to the motion—the time at which it was brought forward. His noble Friend had justified its introduction at that moment, by representing that it was indispensably necessary to bring it forward before the Budget was submitted to the House. Now, he (Sir James Graham) was prepared to contend that until the Budget had been brought forward, and until the House had had an opportunity of ascertaining the amount of the available fund, and considering the claims of the different classes of this great community upon the Chancellor of the Exchequer, they could not fairly or advantageously take the case of any particular individual interest into their consideration. There were many imposts which demanded the attentive consideration of the House. There was one tax, immediately affecting the landed interest, and that part of it which was in the greatest degree distressed, the revision of which was strongly recommended in the Report of the Board of Excise Commissioners, over which the Treasurer of the Navy presided, and which had been adverted to by his right hon. Friend, the Member for Tamworth, in his speech last year—he meant the Auction-duty. The Commissioners had reported in the very strongest terms, that it was a tax of the worst description, pressing hard upon the poor proprietors, who were driven to sell their land for any price it would fetch, and not at all upon the rich, who could afford to wait for a favourable opportunity of disposing of it. Another matter to which he would refer was the Land-tax, which required consideration. The tax was originally intended to apply to personal as well as real estates; but, for some reason or other, personal estates had wholly escaped, as it had always fallen exclusively on the landlord. The Church-rate, he also observed, was as it now stood a burthen of *555,000l.*, falling in a great degree on land and tenements, and about *300,000l.* of that amount rested on abuse. It had been Lord Althorp's intention to remedy that abuse. So long as there existed an Established Church, it was the duty of the State to maintain the fabric of the Church, and the expense should be provided out of the public funds. Lord Althorp had introduced a measure having this object in view. The present, however, was not the time to discuss these questions, he entreated the noble Marquess not to press his motion to a division. He well knew, that the noble Marquess was a zealous and sincere advocate of the agricultural interest; but, with all due deference to his judgment, he would beg to remind him that these desultory and premature discussions had a strong tendency to generate the evils they were intended to cure. It was his strong belief that they placed the agricultural interest in a very invidious light. They indisposed a large portion of the community to that support and maintenance of home produce, which he held to be indispensable for home industry and home cultivation, and to be essentially necessary to the safety, independence, and wealth of the British islands. They did more: they injured the credit of landlords, they disturbed the confidence of tenants, they created an indisposition to take land, they diminished the competition for it, and had a direct tendency to reduce the rent of it; and upon the whole, he was fully satisfied that they were anything but conducive to the benefit of the interest they were intended to serve.

Colonel *Sibthorp* said, that he should not occupy the House above a few minutes, not anything like the three hours that had been occupied by the hon. Member for Middlesex, who seemed so overwhelmed by the abundance of papers which he had brought down with him, that neither himself, nor the hon. Member who arranged them for him, appeared to understand them. He would implore the noble Marquis to take the sense of the House upon this question. For himself, if only three hon. Members voted with the noble Marquis he should feel it to be his duty to make one of those three.

Mr. *Cayley* said, the House was bound to give relief to the agricultural interest, as no other interest so much required relief. It was not his intention to have spoken on the motion, but from what had fallen from the right hon. Baronet, the Member for Cumberland. He disagreed with the observations of the right hon. Baronet, who had not, he thought, given a fair version of the evidence collected by the Agricultural Committee. The rise in the price of some articles, particularly cattle, was caused by scarcity alone, and meat which before Christmas was but 4½*d.* per lb., was now 1*s.* Part of the rise in prices was owing to the increased issues of the joint-stock banks; but according to the evidence given before the Committee, that rise rested upon a most insecure foundation. He thought so too, for the quantity of paper issue, to enable people to support these burdens, was more than necessary, with our present standard of value. On the whole, he wished that the motion had not been introduced at this time, but as it had been brought forward, he should support it.

Colonel *Thompson* regretted that he had not obtained the attention of the House before it was tired of the subject, but if he did not say a few words he should lose caste. The pressure from without was heavy on him; and hon. Gentlemen opposite were too strongly convinced of the seriousness of that condition not to have some feeling for his case. The distress of the landed interest had been brought on by their own acts, in consequence of that just dispensation of Providence, which enacted that those who infringed on the rights of their fellow-citizens should find that, in some way or other, the mischief fell, according to the Scriptural expression, upon their own heads. Had the agriculturists not limited the commerce of their country, and cramped its manufacturing energies? How extraordinary, how marvellous, was their conduct! They came before that House, they called together the population on the hustings, and they said—" Honourable members, farmers, and farming men! —we have had everything in our own hands; we have had it all our own way; and the result is, that we and you are distressed beyond any other class" For this state they were indebted to the corn-laws. The number of farmers had been increased in the proportion of five to four, by the imposition of the taxes on corn, and the end was, that the five were in a much worse condition now, than the four had formerly been. The landlords might have raised their rents from 300*l.* to 400*l.*, but of what use was that to them, when they had shut up the avenues to profitable engagement in commerce or manufactures, and so were at a loss how to dispose of their sons and daughters. Could they not see that the only way to augment their real incomes would be to consent to develope the immense capabilities which this country possessed? [" *Question!*"] He was speaking to the question, which was, whether the way for the landlords to expect relief was by escaping from taxation. Was it not reasonable to suppose that some relief would be obtained by gradually retracing the steps they had been induced to take, and removing the shackles which fettered the commerce of the country?

Sir *Robert Peel* would not detain the House many minutes, and would confine himself entirely to the question before it. That question was, whether or not it would be advisable for the House, by a resolution passed previous to the financial statement for the year, to hold out expectations to a particular interest, that relief would or could be afforded it by any remission of taxes. Feeling the deepest interest in the maintenance of the prosperity of agriculture, believing that there were many considerations of a political and social nature involved in the question, he yet felt it to be his duty to consult its real and permanent interests; and however much he respected the motives, and valued the services of his noble friend who had brought forward the motion, if he believed it was calculated to raise expectations which he could not realize, or provoke jealousies and hostilities for which there was no countervailing advantage, the more he valued agriculture, and the more deeply he felt interested in its prosperity, the more he was bound to perform his duty to it, and to refuse his sanction to any proposition which in his view of the matter could lead to no beneficial result. And in the first place, with his views of public credit, and before he knew the amount of the surplus revenue at the disposal of Government, he should always be very backward to express any opinion as to the contingent appropriation of that surplus. He considered that the honour of this country was involved in the maintenance of public credit, and he must confess, till he knew the available surplus, he should be reluctant to discuss any question connected with its appropriation. Suppose there was a surplus of 500,000*l.*, was it fair to excite hopes on the part of the agricultural interest that any remission of taxation, giving to agriculture what was said to be its fair share of such an available surplus, would in point of fact relieve the existing distress? He did not deny that agricultural distress existed, and that the pressure in many parts of the country was exceedingly severe, but he very much doubted whether the distress arose from oppressive taxation, and whether it could be removed by any remission of taxes within such limits as were at their command. He believed that there were several descriptions of lands, particularly clay lands, which were in a state of great depression, and he would go so far as to admit, that it was not likely that whole districts of clay lands could be cultivated to advantage; but he must say, that even if it were proved that the tillage of such soils was not so profitable as before, he should not be at all surprised. A competition unfavourable to the inferior descriptions of land was going on in every quarter of the globe, and with respect to every species of agricultural produce. The inferior soils of this country were entering into competition with richer lands in Scotland and Ireland, and the agriculturists of England had to contend, he must say, with greater skill in the application of labour, and more provident views with respect to the increase in the produce of land. Under such circumstances, he was not surprised that some districts in this country, heretofore cultivated with advantage, now yielded no remunerating return. What was going on at the present moment in Jamaica and the West-Indian islands which had been longest colonized? They were coming into competition with the settlement of Demerara, and richer lands on the South American continent. The planters of the other islands might with truth assert, that their estates had been under cultivation for fifty or 100 years, and that they could not compete successfully with more modern settlements. No doubt this was a great hardship, but he thought it would be impossible to extend relief to them by any legislative measures. The application of steam power in place of physical strength, was producing a revolution in the agricultural system of the country, which they would vainly attempt to counteract by the remission of taxation. When he said this, he did not mean to deny the eventual claims which the agricultural interest might have to such a remission. But when he had heard the Chancellor of the Exchequer's statement, the amount of actual revenue, and the taxes he proposed to reduce, he should reserve to himself the perfect right to contest the policy of that remission, and to move an amendment in favour of the agriculturists, if he should deem it expedient. If he did not consent to the present motion, it was not because he was prepared to deny, that eventually it might be fit to urge their claims; but because he was unwilling to excite in their minds hopes which the House might not be able to satisfy when they came to carry into effect the practical proposition. Let the effects of the partial remission of taxes made at former periods be borne in mind. There had been a very general outcry against these measures; and there had been much more ridicule cast on them, than gratitude shown for them. If it should turn out that there was only a very limited surplus, and that, consistently with his wish to maintain the public credit, he could not claim a relief of more than 100,000*l.* or 200,000*l.* for the agriculturists, would they not say, "Is this all you have to offer us? Why then did you enter into a general resolution declaring that agriculture was in a distressed state, and that a remission of taxes alone could give relief to it?" He did not choose to involve himself in this embarrassment. If the Chancellor of the Exchequer should be disposed to reduce the duty on newspapers, he should hold himself quite at liberty, if he thought fit, to vote for the proposition of his hon. Friend, who proposed instead of that to remit the tax on soap, or to vote for a remission of local burdens, or any other measure which he might consider likely to be beneficial to agriculture. But the great difficulty was this, that with the exception of the malt-duty, there was no tax which bore hard on it. And he was quite certain, that if all the relief they could give should be a remission of the assessed taxes, or an equalization of the land-tax, the occupying tenant at least would exclaim that he had no interest in that; that his hopes had been disappointed, and that he should be benefitted only by a repeal of the malt-tax. He did not hesitate to say, that he was not prepared to vote for such a measure, nor did he think that in the present state of the country, corresponding advantages would be gained by a partial reduction of it. It would be always open to his noble Friend to propose an entire remission of it; but with his views of that impost, of the policy of retaining it, and with his apprehension that a property-tax could form the only substitute for it, he could not assent to such a motion. The noble Lord had spoken of those who represented agricultural districts as likely to find a difficulty in freely expressing their opinion, and giving a vote on this subject; but he felt no such scruples. He felt himself bound, as the representative of an agricultural district, to take that course which he regarded as most conducive to its lasting welfare. He hoped his noble Friend would not take the sense of the House on this question. He did not wish this for the purpose of avoiding a disagreeable vote, for he had no difficulty in determining what line he should take; but he could not help thinking that a division on this subject, if one should take place, would be a very imperfect indication to the country of the degree of interest felt on the agricultural question. He must protest against its being supposed that he was not a friend to that interest, or that he would not press for practical justice being done to it, but it would be a great hardship if the agriculturists should suppose, after a division, not on the merits of the case, but virtually on a question of form or time, that the House was indifferent to their prosperity.

Sir *Charles Broke Vere* observed, that if the slightest prospect of relief had been held out to the agriculturists by the Chancellor of the Exchequer, the noble Marquess would not have brought forward his motion.

The House divided, on the question that the order of the day be read; Ayes 208; Noes 172; Majority 36.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Angerstein, J.
Anson, hon. Colonel
Attwood, Thomas
Baines, E.
Baldwin, Dr.
Barclay, D.
Barclay, Charles
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Bentinck, Lord G.
Bentinck, Lord W.
Berkeley, hon. F.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Biddulph, R.
Blackburne, J.
Blamire, W.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brodie, William B.
Brotherton, J.
Buller, C.
Buller, E.
Burdon, W. W.
Butler, hon. Pierce
Buxton, T. F.
Byng, G.
Byng, right hon. G. S.
Campbell, Sir H.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cave, R. O.
Chalmers, P.
Chapman, L.
Childers, J. W.
Clay, William
Clements, Lord
Codrington, Admiral
Collier, John
Crawford, W. S.
Crawford, W.
Dundas, hon. J. C.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Lord
Elphinstone, H.
Estcourt, T.
Etwall, R.
Ewart, W.
Ferguson, R.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Forster, C. S.
Fort, J.
Gaskell, Daniel
Gillon, W. D.
Gisborne, T.
Gordon, Robert
Graham, rt. hon. Sir J.
Grattan, J.
Grey, Sir G.
Grote, George
Gully, John
Hall, B.
Hardy, J.
Hastie, A.
Hawes, Benjamin
Hawkins, J. H.
Hay, Sir A.
Heathcote, J.
Hector, C. J.
Heneage, Edward
Hindley, Charles
Hobhouse, right hon. Sir J.
Hodges, T. L.
Hodges, T. T.
Hope, J.
Horsman, E.
Howard, R.
Howard, P. H.
Howick, Lord
Hume, J.
Hurst, R. H.
Jephson, C. D. O.
Jervis, John
Ingham, R.
Inglis, Sir R. H.
Johnstone, Sir J.
Johnstone, J. J. H.
Johnston, Andrew
Jones, Theobald
Labouchere, rt. hn. H.
Lambton, H.
Langton, Wm. Gore
Leader, J. T.
Lee, J. L.
Lefevre, Charles S.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Lopez, Sir R.
Lushington, Charles
Lynch, A. H.
Mackenzie, S.
Mackinnon, W. A.
Macnamara, Major
Mangles, J.
Marjoribanks, S.
Marsland, H.
Marsland, Thomas
Maule, hon. F.
Morpeth, Lord
Mostyn, hon. E.
Mullins, F. W.
Murray, rt. hon. J. A.
Nagle, Sir R.
O'Brien, Cornelius
O'Brien, W. S.
O'Connell, Daniel
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
O'Loghlen, Sergeant
Oswald, James
Paget, F.
Palmer, General
Palmerston, Lord
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Parry, Sir L. P. J.
Pattison, James
Pechell, Captain
Peel, rt. hon. Sir R.
Pelham, Hon. C. A.
Pendarves, E. W. W.
Philips, Mark
Potter, Richard
Power, J.
Price, Sir R.
Pryme, George
Rice, right hon. T. S.
Ridley, Sir M. W.
Rippon, C.
Robarts, Abraham W
Robinson, G. R.
Roche, W.
Rolfe, Sir R. M.
Russell, C.
Russell, Lord John
Russell, Lord Charles
Ruthven, E.
Ryle, John
Sanford, E. A.
Scholefield, J.
Scott, J. W.
Scrope, G. P.
Seymour, Lord
Sheppard, Thomas
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Smith, B.
Stanley, Lord
Strickland, Sir G.
Strutt, E.
Stuart, Lord D.
Stuart, Lord J.
Stuart, V.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Tennent, J. E.
Thomson, rt. hn. C. P.
Thompson, Alderman
Thompson, Colonel
Thornely, T.
Tooke, W.
Villiers, C. P.
Wakley, T
Walker, C. A.
Wallace, R.
Walter, J.
Warburton, H.
Whalley, Sir S.
White, S.
Wilbraham, G.
Wilbraham, hon. B.

Williams, W.
Williams, W. A.
Williamson, Sir H.
Wood, C.
Wood, Alderman
Wortley, hon. J. S.
Wrightson, W. B.
Wrottesley, Sir J.
Wyse, T.

TELLERS.

Steuart, R.
Stanley, E. J.

List of the NOES.

Agnew, Sir A., Bart.
Alsager, Captain
Alston, R.
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Astley, Sir J.
Bagot, hon. W.
Bailey, J.
Balfour, T.
Baring, Thomas
Barneby, J.
Bell, Matthew
Benett, J.
Blackburne, I.
Blackstone, W. S.
Boldero, H. G.
Bonham, R. F.
Bowes, John
Bramston, T. W.
Brownrigg, S.
Bruen, Colonel
Bruen, F.
Burrell, Sir C.
Cayley, E. S.
Chaplin, Colonel
Chetwynd, Captain
Chichester, A.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, Lord
Compton, H. C.
Conolly, E. M.
Corbett, T. G.
Crawley, S.
Curteis, Herbert B.
Curteis, E. B.
Dalbiac, Sir C.
Darlington, Earl of
Denison, W. J.
Dick, Q.
Dillwyn, L. W.
Dottin, Abel Rous
Dowdeswell, Wm.
Duffield, Thomas
Dugdale, W. S.
Eastnor, Lord
Eaton, R. J.
Edwards, J.
Egerton, W. T.
Egerton, Sir P.
Elley, Sir J.
Elwes, J. P.
Entwisle, J.
Fielden, J.
Fleetwood, P. H.
Fleming, John
Foley, E. T
Folkes, Sir W.
Forbes, W.
Forester, hon. G.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gaskell, J. Milnes
Geary, Sir W.
Gladstone, Wm. E.
Glynne, Sir S.
Goodricke, Sir F.
Gordon, hon. W.
Gore, O.
Goring, H. D.
Goulburn, Sergeant
Grimston, Lord
Grimston, hon. E. H.
Hale, Robert B.
Halford, H.
Handley, H.
Hay, Sir John
Hayes, Sir E.
Heathcote, G. J.
Henniker, Lord
Hill, Lord A.
Hill, Sir R.
Hogg, James Weir
Hotham, Lord
Houldsworth, T.
Hoy, J. B.
Jackson, Serjeant
Kerrison, Sir E.
King, E. B.
Knox, hon. J. J.
Lawson, A.
Lefroy, A.
Lefroy, right hon. T.
Lewis, David
Lincoln, Earl of
Long, Walter
Longfield, R.
Lowther, hon. Col.
Lowther, J. H.
Lushington, right hon. S. R.
Lygon, hn. Colonel
Mahon, Lord
Manners, Lord C. S.
Martin, J.
Maunsell, T. P.
Miles, William
Mordaunt, Sir J.
Morgan, Chas. M.
Neeld, J.
Nicholl, Dr.
Norreys, Lord
Ossulston, Lord
Owen, H. O.
Packe, C. W.
Palmer, Robert
Patten, John Wilson
Pease, J.
Perceval, Colonel
Pigott, Robert
Plumptre, J. P.
Plunket, hon. R. E.
Pollen, Sir J. W.
Price, S. G.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. Rae
Richards, J.
Rickford, W.
Rooper, J. B.
Rushbrooke, Colonel
Sanderson, R.
Scott, Sir E. D.
Scourfield, W. H.
Shaw, right hon. F.
Sibthorp, Colonel
Simeon, Sir R.
Sinclair, Sir George
Smith, A.
Smyth, Sir H.
Spry, Sir S.
Stanley, E.
Stormont, Lord
Sturt, H. C.
Surrey, Earl of
Thomas, Colonel
Thompson, P. B.
Townley, R. G.
Trelawney, Sir W.
Trevor, hon. A.
Trevor, hon. G. R.
Turner, W.
Twiss, H.
Tyrell, Sir J. T
Vere, Sir C. B.
Verney, Sir H.
Vyvyan, Sir R.
Walpole, Lord
Welby, G.
Wemyss, Captain
Weyland, Major
Whitmore, T. C.
Wilkins, W.
Williams, Sir J.
Wilmot, Sir J. E.
Winnington, H. J.
Wodehouse, E.
Yorke, E. T.
Young, Sir W.

TELLERS.

Chandos, Marquess of
Duncombe, W.

Paired Off.

AYES.	NOES.
Bannerman, A.	Knightly, Sir C.
Bish, T.	Halse, J.
Duncombe, T.	Brudenell, Lord
Molesworth, Sir W.	Parker, M. E. N.
Loch, J.	Knatchbull, Sir E.
Evans, G.	Poulter, J.

DESCENTS AND HERIOTS.] The *Attorney-General* moved the second reading of the Descents and Heriots Bill.

Mr. *Jervis* said, that there was so strong a feeling in the Courts against this Bill. that he must express a hope that his hon. and learned Friend would not press it He would recommend that it be referred to a Select Committee.

Captain *Pechell* could confirm the statement of his hon. Friend, the Member for Chester. The owners of Manors were much opposed to the Bill which was a direct interference with the rights of property. As he understood it would enable the tenant to satisfy the landlord's claim for a Heriot, by giving him the worst, instead of the best beasts. They held their land on the latter condition, and the Bill therefore would deprive the landlord of pecuniary advantages, without any adequate equivalent. He should oppose the further progress of the measure.

The *Attorney-General* assured the House that the Bill did not interfere with the rights of property. The customary law of Heriots had long been considered a great grievance, both by Lords of Manors and customary tenants, and in remedying it the Bill did not go one letter further than had been recommended by the Law Commissioners. The gallant Officer was mistaken as to the Bill enabling the copyhold tenant to give the worst instead of the best beasts. The Bill contained no such provision, and it took nothing whatever from the landlord without giving them an adequate equivalent.

Mr. *Ewart* thought, as the custom varied in different places, that the Bill should not be proceeded with till further information had been obtained.

Captain *Berkeley* considered the Bill an infringement on their rights, and he should feel it his duty, if his hon. and learned Friend persevered, to move that the Bill be put off for six months.

The *Attorney-General* wished the Bill to be read a second time, that the details might be settled in Committee. The necessity of a change could not be denied, but the equivalent to be given to the landlords could not be arranged till the Bill was in Committee.

Major *Curteis* admitted, that an alteration of the laws was desirable, and perhaps some certain sum as *5l.* should be fixed as the value of the Heriot.

Mr. *Curteis* thought, as Heriots were so great a grievance, that the landlords, like the tithe owners, should be prepared to make some sacrifice, though whether *5l.* would be an equivalent for the Heriot was a matter of doubt.

Sir *James Graham* was afraid that the subject had not received that consideration which it deserved. In Cumberland, and other northern counties, where copyhold property was passed by will, the custom required that a trust should be created, which was a fruitful source of litigation. That ought to be put an end to, but for that there was no provision in the Bill. In his opinion the subject ought to be referred to a Select Committee.

Sir *Robert Peel* was of opinion, that the House had not sufficient information to proceed with the Bill, particularly as to the proposed equivalent. At the same time, a strong feeling existed against Heriots, and he should willingly concur in putting an end to them without injuring the landlords.

Mr. *Baines* said, that the law at present was a complete nuisance, as in some parts of the county, on the death of the father of a family, the landlord hastened to seize the best beast, and the tenant to remove every thing valuable. It converted the chamber of death from a place of decent mourning to a scene of lawless plunder. He gave the hon. and learned Gentleman great credit for his endeavour to remove this last remnant of barbarism and feudal power, and no objections of individual convenience should be allowed to stand in the way of removing such a custom.

Mr Sergeant *Talfourd* agreed, that the custom ought to be put an end to, but he was afraid the subject was too intricate and too involved to be settled without a Select Committee.

Second reading postponed.

HOUSE OF LORDS,

Thursday, April 28, 1836.

MINUTES.] Bills. Read a first time:—Stafford Disfranchisement; Witnesses Indemnity.

Petitions presented. By several NOBLE LORDS, from various Places, for the Better Observance of the Sabbath.—By the Earl of BURLINGTON, from various Places, for the Alteration of the Factories' Act.—By Lord HOLLAND, from Mansfield and Hitchen, against the Punishment of Death for any Crime but Murder.—By the Earl of CLARE, from Bombay, for an Equalization and Reduction of the Duty on East India Produce.

CHANCERY REFORM.] Upon the motion of the *Lord Chancellor* the following passage in the King's Speech was read:—

> "The speedy and satisfactory administration of justice is the first and most sacred duty of a Sovereign; and I earnestly recommend you to consider whether better provision may not be made for this great purpose in some of the departments of the law, and more particularly in the Court of Chancery."

The *Lord Chancellor*: It becomes now my duty to call your Lordships' attention to this very important subject, for the purpose of carrying into effect the objects referred to in his Majesty's most gracious speech. In doing this I have to bespeak some portion of your Lordships' indulgence. Not that it is my intention to address you for a considerable length of time, but because this subject, however important, did not, in another place, attract the attention of a large portion of that House when I addressed the Members respecting it. It is not easy to make the Court of Chancery an attractive topic, and yet there cannot be a subject more important to the country at large. There cannot be one of more importance to each individual Member of this House. The Court of Chancery, by degrees, has become the Court in which the property of the greater part of the country is subjected to litigation, and ultimately disposed of. The changes in the nature of property, the complex processes resorted to to secure the better enjoyment of property, and a variety of other causes, have brought a large portion of the property of the country into that Court. It must continue to be so as long as the present laws exist, and it is more likely to increase. Property must be under the administration and control of the Court of Chancery. To provide then for the due administration of that Court—to improve and amend a Court where nearly all questions concerning the property of the country is decided upon—this, my Lords, is the subject which demands your Lordships' attention. I am satisfied, then, that you will bear with me, while I, as shortly as I can, enter into this case, show you what are the abuses that exist, and the evils that have grown up, and state to you what it is I propose in the present Bill, by which I hope to redress the evils that I point out, and the remedies that I suggest to meet those evils, and where there are inconveniences, how I mean to obviate those inconveniences. The business that is now transacted in the Court of Chancery can be ascertained by the returns laid upon your Lordships' table. I have had returns made from the earliest period I possibly could collect, of the quantity of business transacted in the Court of Chancery. It may appear to your Lordships that these returns go to an earlier period than is necessary, or than the case requires. I was anxious to have laid before your Lordships a history of the progress and increase of business in the Court of Chancery, from that period, particularly, which is considered the golden age of the Court—the period when Lord Hardwicke was Chancellor. I endeavoured to do so, because there is the most extraordinary misconception entertained by some persons, that the business of the Court of Chancery has not materially increased since the time of Lord Hardwicke. Why, that would be a most extraordinary fact indeed if it could be proved, that notwithstanding the increase of opulence and wealth in this country, that a Court which must vary in its business with the increase of property, the functions of which must be adapted to the exigencies of the time, and the state of society, that it should not be resorted to in a greater degree than at the time when Lord Hardwicke presided in that Court. This would be a most extraordinary fact if true, and it was with some surprise that, in referring to the debates of the House of Commons in 1813, when a proposal was made to appoint a Vice-Chancellor's Court, that I find so distinguished an individual—one, too, so likely to be correct, and so little likely to state any thing hastily, Sir Samuel Romilly—who said that he believed that the business of the Court of Chancery in the time of Lord Hardwicke was equal to what it is now. It was computed that the business now done in the court of Chancery, is not more than that done by Lord Hardwicke. If, then, such a man as Lord Hardwicke disposed of so many cases, and such difficulty is now found in disposing of the same number, we should see whether the evil is in the system, or in those who administer it. For those reasons I was anxious to have the means of ascertaining the fact one way or another—to know whether the inconveniences and delay in the Court of Chancery arise from the increase of business, or are to be attributed to other causes. For these reasons I have procured these returns; and I was anxious to procure them from the period of Lord Hardwicke. Unfortunately, it appears by the returns that there is no book, no such book or copy, to enable the officers of the Court to make a return such as I called for from the time of Lord Hardwicke in 1750. I can then only direct your Lordships' attention to an imperfect return, as some of the books are missing, so that I cannot state what is the number of cases and hearings at that period. I am, then, under the necessity of referring to returns from the earliest period that they appear complete. They appear to be complete from the year 1761; and now I have to state to your Lordships what I believe to be the accurate result, as it appears to me, from these returns. It appears that the average number of cases set down to be heard in the then two branches of the Court, before the Lord Chancellor and the Master of the Rolls, from 1761 to 1765, was 411. The annual average is 411. I compare this with what appears from the returns to be the annual average for the last five years, from 1831 to 1835. The number at the former periods is 411; the number from 1831 to 1835 is 1,283. The number of petitions for a period of ten years, from the year 1750 to the year 1760, was, on the average, 379; the number of petitions from 1831 to 1835, was, on the average, 2,813. I will now refer to one other branch of the business of the Court of Chancery, in order to see what was the pressure on the time of the Lord Chancellor occasioned by hearing appeals from the Master of the Rolls. The average number of appeals from the year 1761 to 1765, was twelve; and the average number from 1831 to 1835 was fifty-five. Now, most of those appeals are all matters which occupy a considerable time; those appeals can none of them be matters of course. Of others it may be said that many of them occupy scarcely any time, being matters of course, merely; but I think it unnecessary to separate those that may be considered as occupying no time—it appears to me immaterial to endeavour to separate them from the motions, the time consumed by which is great, inasmuch as what I propose to submit to your Lordships is a comparison between the two periods, and the two descriptions of motions probably bear the same proportion to each other in the one period as in the other. I have now, I hope—and I trust for ever—put an end to that imputation which has been cast upon the present course of business in the Court of Chancery, as compared with the course of business in that Court to the time of Lord Hardwicke. I have shown that there being now a greater pressure of business, a greater amount of assistance is required in that Court at present than was necessary in Lord Hardwicke's time. And here let me say, that no man is disposed to speak more highly than I am of the character of that eminent individual as a judge; no man feels more sensibly than I do that he is entitled to the highest rank for his administration of justice in the Court of Equity. Few, indeed, had a better opportunity of judging of his great merits than myself; for having from an early period been trusted by Lord Hardwicke with his manuscript notes made in his capacity of Lord Chancellor, I was enabled to watch and ascertain the diligence with which that great lawyer performed the heavy and important duties that devolved on him. Notwithstanding, then, that, as compared with the present time, it appears there was but a small portion of business committed to his consideration, yet what he did despatch is proved, by the documents to which I have referred, to have received his unremitting attention. I find from his manuscripts, not only that he took copious notes, and made innumerable private illustrations; but that, in many cases, he did that which I am satisfied affords the best security possible that a judge has properly attended to the case before him—his judgments were not delivered at the time the case was heard, nor were they delivered at a subsequent period upon what might be recollected of the circumstances, or upon what might be recalled to the mind by a casual reference to the case, but they were written by his own hand, and delivered by him from what he had so written. This mode, which was much practised by him, and which, in my opinion, must have tended materially to raise the great name that belongs to his memory, I consider it always adviseable, where practicable, for judges to pursue. I do not say that in every case a judge should write his judgment; but, when the matter is complicated, and requires a minute attention to the facts, there is no course a judge can adopt more likely to lead to right conclusions, than the habit of writing his judgments, and delivering them from the paper he has so written. In drawing a comparison, then, between the time of Lord Hardwicke, and the time of which I am now speaking, I cannot be supposed to detract in any way from the character of that highly-eminent judge. My object has been to rescue the Court of Chancery from the reproach of being unable now to perform the duties which were so much more easy to perform in the time of Lord Hardwicke. When we find the difference in the business which I have stated, your Lordships will not be much surprised to learn that the same machinery, that the same power, is not now able to carry into effect all that ought to be done in the Court of Chancery, though it was effectual for the accomplishment of all that was necessary in the year 1750. The other period to which I am anxious to call the attention of your Lordships is the year 1813, inasmuch as that was the period in which it was found indispensable to afford assistance to the Court of Chancery. There are, indeed, two other periods to which I wish to direct your Lordships' attention; and I shall now state the result of the return for those two periods, and the reasons why I selected them. The year 1813 I selected for the reason I have already given. I also selected the year 1823, because in that year there was a report made by a Committee of this House, to whom was referred the inquiry, what was the best course to be adopted for the purpose of despatching the business of the appeals then pending? With reference to the year 1813, I take the average of the causes set down for hearing in the years 1810,1811, and 1812, to ascertain by the average of those three years what was the state of the business at that time which created the necessity of appointing the Court of Vice-Chancery. I find that the average number of causes set down was 540. Then I take the average of the three years, 1823, 1824, and 1825. I take these three years—beginning with 1823—that they may fall in with the three years of the subsequent period—viz., 1833, 1834, and 1835. The average number of causes set down for hearing, during the three years of the former period was 945; the average number set down during the last three years was 1,301. The averages stand thus, then:—541 for the first period; 945 for the second period; and 1,301 for the present time. Referring again to the same source of information, as regards petitions, I find the average number during the three years 1821, 1822, and 1823, to have been 1,487; and in 1833, 1834, and 1835, it was 2,817. The appeals to the Court of Chancery in the years 1810, 1811, and 1812, were on the average 16; in 1821, 1822, and 1823 they were 42; and in 1833, 1834, and 1835 they were 55. There is another most important branch of business, which has occupied so much time, which has interfered so much with the business of the Court as to have been the subject of great complaint—I mean the motions, with respect to which I have not thought it necessary to call for any returns, and for this reason—because, in the first place, the labour of ascertaining the number of the motions would be such that I thought to impose it would be to impose too severe a tax on the officers of the Court, whose time is the time of the public; and, secondly, because a large portion of the motions are mere motions of course, and they ought to be separated in such a return from the others; but some alteration having taken place in the practice of the Court by which motions of course are distinguished, the result would not be one to which much consequence could be attached, inasmuch as it would not appear what proportion of the mere motions of course had been taken into the calculation, or what proportion had been omitted. As my object is to bring under the consideration of the House the relative importance of the business, and as I have shown the time occupied by the causes, the petitions, and appeals, it cannot be doubted that the other most important part has increased at least in the same proportion as that to which I have alluded. The probability is that it has increased in a greater proportion, because experience has proved, that when there is a great number of causes depending there is a considerable increase in the number of motions. If a cause is heard and disposed of, whatever may become of it a new application can be made. But the mere fact of such a cause being in Court, not only gives the opportunity of applying by way of motion, but often creates the necessity for a motion. No doubt, therefore, the motions have increased in the same proportion with the other business. There is another branch, and I shall refer to it not only to show to what a degree the business of the Court of Chancery has increased, but to show to your Lordships how important that machinery is to which I am endeavouring to call your attention; I mean the state of the funds in the hands of the Accomptant-general. The return to which I am about to advert I have from the Accomptant-general's office. The money in his hands in the year 1812, the year before the Vice-Chancery Bill was passed, amounted to 28,137,000*l.*, and was standing to the account of 6,266 causes; the sum in the month of October last year was 39,780,000*l.* standing to the account of 10,229 causes. Your Lordships will feel, therefore, that it is of no trifling importance that a Court having such a wide jurisdiction, such a control over immense masses of property, should be administered in a way to secure to the subject not only the due, but a prompt administration of justice. My Lords, it is my belief, great as is the business of the Court of Chancery, mighty as are the functions which it has to perform, and immense as is the property under its jurisdiction, that if it were possible—as I hope it will be—to remove the causes of the delay which occur in the administration of justice in that Court, it would be resorted to infinitely more than it has been. The public require the interposition of such a Court; but they make great sacrifices to keep out of it, because they well know that the pressure of business prevents it from performing its functions speedily. That, my Lords, I say is evidenced by the return to which I will now ask your Lordships' attention. Previous to the year 1813, there was a great pressure of business in the Court; there was considerable difficulty experienced in getting causes heard; and of course very serious impediments were thrown in the way of parties obtaining that which it was their object to obtain when they applied to it. In the appointment of the Vice-Chancery Court, however, the public had held out to them the prospect of a more speedy administration; and the consequence was, that there was almost immediately a rush of suitors to that court. Now there was nothing at that time to induce such an influx of business, except that, by the appointment of a new judge, there was presented the prospect to parties of obtaining a speedy decision upon their causes. That appears the necessary conclusion, from a comparison of the number of causes and the number of bills filed immediately before, with the number of causes and the number of bills filed immediately after the passing of the Bill for the establishment of the Vice-Chancery Court. During the three years before the passing of that Act, the average number of causes set down for hearing was 540; during the three years after the passing of the Act the average number of causes set down for hearing was 717. The average number of the causes set down for hearing during the five years before that period was 1,830; the average number during the five years after was 2,236. What the number is now I am not aware, but it greatly exceeds what I have stated. Now here is a sudden increase—we see the pressure of business taken off, and the probability presented of obtaining speedy justice, and suddenly there is the very great increase which I have described—when I say suddenly, I mean that there is an increase from 1,830 bills filed to 2,236. Having called your Lordships' attention to the proportion of the business found to exist in the Court of Chancery at these several periods, I will next advert to certain proceedings in this House, which are immediately connected with the present subject. I need not tell your Lordships that great difficulty has always been felt—in modern times at least—as to how the attention of the Lord Chancellor was to be divided between his duties in the Court of Chancery and his duties in this House. In the Court of Chancery he has, as your Lordships know, a most important duty to perform; your Lordships are also aware of the nature of the duties he has to perform here. There appears to have commenced, from the year 1813, owing to the great pressure of the business in this House and in the Court of Chancery, a sort of contest between the two jurisdictions as to which should have the services of the Lord Chancellor for the time being. Accordingly, in the year 1813—whereas it had been the practice for the Lord Chancellor to sit each morning in the Court of Chancery, and to come to this House not long before the public business commenced, for the purpose of proceeding with the appeals—in 1813, it being found, that devoting so small a portion of the day to the hearing of appeals not only occasioned great expense to the parties, as it undoubtedly did, but also interfered with the due administration of justice, it was determined that the Lord Chancellor should sit in this House the whole of the days that were devoted to the hearing of appeals, and it was fixed, that on three days in the week the Lord Chancellor should so sit in this House. That arrangement greatly interfered with the business of the Court of Chancery in various ways. It interfered by taking him out of the Court of Chancery during the Session of Parliament for three days out of the six; it interfered also by breaking into the discussion. Almost all the cases which came before the Lord Chancellor are cases requiring a solemn inquiry, are complicated in their details, and give rise to more than one day's discussion. Now, nothing can be more inconvenient—and it is an inconvenience which exists at the present time—than for any regulation to exist, which makes it necessary for the judge in the Court of Chancery almost invariably to break off in the middle of the cause. It hardly ever happened, either in this House or in the Court of Chancery, that the hearing of the cause was finished in one day, and the consequence has been that it has scarcely ever happened that a cause could be proceeded with to the end uninterruptedly. If the hearing of a cause was commenced in the Court of Chancery, it had to be broken off that the Lord Chancellor might give his attendance in this House, here to begin the hearing of a cause which had to be broken off for public business, and the next day the hearing of the unfinished cause in the Court of Chancery was resumed. It is obvious, that where great attention is required to a detail of the facts, where the case is important and so complicated as to require that the whole mind be devoted to it in order to master the subject in its various bearings, nothing can be more inconvenient than for the individual to be withdrawn from its consideration till it is concluded, and be withdrawn from its consideration in order to give attention to the cause of some other parties, a cause, perhaps, of equal difficulties, and demanding, no less than the other, undivided attention. These observations, my Lords, must show I will not say the necessity, because the history of the past proceedings of the Court of Chancery and of this House proves that there is no absolute necessity, but the advantage of a change—it establishes at least this, that when a man has commenced a difficult task, he should be permitted to go on with it to the end. As I shall have more particularly to apply these observations hereafter, I will leave the subject for the present, requesting your Lordships not to lose sight of the principle for which I contend, that according to the natural constitution of the mind, it must be most inconvenient to have the mind of the judge diverted from the business in which he has engaged, before he has brought it to a close. It so went on from 1813, for the next ten years; and in the year 1823 a Committee of this House made a Report, one passage of which I will take the liberty of reading to your Lordships. At that time there was a great arrear of appeals. There were 225 appeals waiting unheard in this House; there were five years of arrears; that is, the parties who appealed, according to the then state of business, had to wait five years before there was any prospect of their appeal being heard. The Report contains this passage; it is near the commencement and on that Report, and on the opinions so stated, all the subsequent recommendations of this Report proceed:—" There is now a manifest impossibility that any person holding the Great Seal can find the time that is required for the business of the Court of Chancery and the House of Lords, and all the other great and arduous duties that devolve on him." As a remedy for this, it was proposed that there shall be appointed certain distinguished individuals, lawyers, for the purpose of assisting in hearing appeals and writs of error in this House. It was proposed, that certain persons should be appointed especially to preside over the hearing of appeals; that such an individual might not be a Member of this House, but that the individual who shall be so appointed to preside at the hearing of appeals, shall have power to declare his opinion, as judges and privy councillors do when required. A Return is on your Lordships' Table, showing what was the course adopted in pursuance of that recommendation of the Committee of this House, and commencing with the year 1824. Your Lordships will find that the sittings of this House were divided between the Lord Chancellor and those other persons who were appointed to preside over the hearing of appeals. Lord Gifford appears to have been the first person who presided in that character. Lord Gifford was a peer. Then there was the Lord Chief Baron; then there was the Master of the Rolls, who was not a peer. —he presided for a considerable time as Speaker of the House to hear appeals. At the same time there was a considerable number of days on which it appears the Lord Chancellor sat. There was then, as I have stated to your Lordships, an arrear of five years of appeals; there was a necessity, therefore, for sitting on every day but Saturday, and five days in the week this House did sit. The necessity of the case justified that arrangement. There being an arrear of five years' duration, and an impossibility of a suitor being heard without waiting for five years, some special remedy was called for—some departure from previous practice—some course which would enable this House to hear the appeals that were before it. But was that a course which anything but necessity would justify? Your Lordships' court constitutes the highest court of jurisdiction—it gives jurisdiction to all other courts—it is that from which there is no appeal—whose decisions of law are to be taken as law in all other courts; and is not that jurisdiction the jurisdiction which is entitled not only to the assistance of the individual who holds the highest judicial office, but is it not expedient that every other jurisdiction where they clash should give way, to give a precedence to this House, and limit the course of appeal? I do not say that others may not be competent, but whoever holds the highest judicial office in this country, he is the individual who ought to preside in the highest judicial court of this kingdom. I will here suggest another inconvenience. In all courts of law there is a great advantage derived from the same individual presiding, that there may not be a judge of one way of thinking at one time, and at another time another judge perhaps equally eminent, equally competent, but possibly not exactly of the same way of thinking. It has been found that those judges have had their decisions most revered, and have been most successful, who have the longest presided over their respective courts. They have an opportunity of seeing the effects of their different decisions, and of varying them according to the varying state of society. Thus it is, that Lord Hardwicke is said to have "built up a system of equity." The necessity of the case justified the course which was taken, and the result was, that after a certain number of years, by the assistance of individuals, the great arrear was very much subdued. Though, however, it was much subdued, yet it required constant exertion to keep it down; if the exertions were to be relaxed only for a time, it would inevitably rise up again. It is not, therefore, for the interest of the subject—it cannot be just for the suitor, that any accumulation should be permitted in this House. I take it to be an admitted principle, that there should be found the means of speedily hearing the appeals that are presented, and the individuals whose duty it should be to hear those appeals, are not only the highest judicial officers of the Crown, but persons who should sit permanently, and not be taken, as chance may direct, from their duties. Having called your Lordships' attention to the state of the business of this House, and to the various periods to which I have adverted, I will now state to your Lordships what is the present state of the business of the Court of Chancery. It has been said—and inaccurately said—that the present arrears of the two courts—I mean the Court of Chancery and the Vice-Chancery, though, properly speaking, they are, perhaps, but one—it has been said, that the present arrears are 800 causes; they are not so much, it appears they are not quite 700. They are more than 600, but they are not 700. The average number of causes which have been disposed of in the last three years is 1,202; the average number set down for hearing is 1,301. Therefore, there is, according to the present state of business in the Court of Chancery, not only a large arrear where there ought not to be any; but, comparing the average number of causes set down for hearing with the average number of causes heard, there is an increase, which must make a considerable annual addition. It follows of necessity, that the present machinery of the Court of Chancery is not adequate to perform the duties required of it. My Lords, it would be most astonishing to me if it were; for when I call your attention to the increase which has taken place in the average, from the year 1823 down to the present time; it would indeed be most extraordinary, if that which was considered only adequate to the business when it was so much less, were adequate to it now, when it was so very much extended. I have stated, my Lords, what is the business of the original hearing of causes which comes before those branches of the courts whose duty it is to hear and dispose of them in the first instance. I will next describe the state of the appellate jurisdiction. It appears that the average number of appeals in the Court of Chancery from 1818—I mean the average number of appeals standing for hearing—the average number from 1818 to 1831 varies from 80 to 130. I do not give this as an accurate average, but as a general result from the figures. The average for some time before 1831 was 441 in each year. In 1831 there was a most extraordinary exertion made. A noble Lord, whom I am proud to call my friend, and whose absence, on account of ill-health, every individual who hears me, I am sure, deeply laments—that noble Lord made, in the year I have named, a most miraculous exertion, and the result was, that in 1831 no less than 147 appeals were heard. Those efforts, added to the other extraordinary exertions of my noble Friend, as is proved by the present state of his health, went beyond human power. Certain it is, however, that the public had the benefit of my noble Friend's exertions.

The 147 appeals were disposed of in one year. The arrears of the Court of Chancery were for the time annihilated—there were no arrears of which any suitor could complain—still it was evident the slightest interruption would produce a fresh accumulation. At the present moment, I may say, there is no arrear. It has been my fate to see—what I believe has not been seen before for a century past—a paper for the causes of the day containing two appeals, with a note at the bottom announcing, "There are no further appeals ready for hearing." That I attribute to no exertions of my own, for I have not the time, if I had the ability, to subdue that arrear of business. I do not attribute it, then, to any exertions of my own, but to the exertions of those who have gone before me. Since

I had the honour of being appointed the First Commissioner of the Great Seal, it was not in the power of myself or my brother Commissioners—consistently with the performance of our other duties—to devote a large portion of time to the hearing of appeals in the Court of Chancery. In fact, there were but two days in each week devoted to that purpose. Before I accepted that appointment, I thought it my duty to consider whether I could perform the duties of it without neglecting the other duties which it would be incumbent on me to perform, and the arrangement I made was with the Vice-Chancellor, that neither one nor the other should be less devoted to their Courts than if the appointment of Commissioners of the Great Seal were not to take place; but that arrangement left only two days in the week on which it was possible to sit, with the addition of some days that were borrowed from the vacations to make up the time. It is a mistake to say that the appeal business of the Court of Chancery cannot be kept under; it is down now, and may be kept down without devoting a large amount of time to that Court. Two days a week from the month of April till January were sufficient for that purpose. When I come to another part of the subject I beg your Lordships to recollect what I am now stating, because I think it proves that the Lord Chancellor may not only get through all the appeal business of the Court of Chancery, but will have a considerable proportion of time which he may devote to other business. I have now brought down to the present time the state of the Court of Chancery, and in a few words I will call the attention of your Lordships to the state of the appeal business in this House. The last year was one most favourable to the despatch of business of that description. There was my noble and learned Friend to whom I have alluded, and my noble and learned Friend the noble Baron, whom I see in his place, who devoted much of their time to the despatch of the business of this House, and a large number of appeals were disposed of, in addition to that most heavy cause, Small v. Attwood, which occupied the time of this House during a considerable portion of the last Session, and which, I am sorry to say, must occupy a very large portion of the time of this House whenever we think it our duty to resume the consideration of it. It is obvious, then, that the appeal causes in this House cannot be kept down without a constant and vigilant attention to the interest of the suitors. They may, however, be kept down by devoting that portion of time to them which was given to them during the last Session. The case to which I have referred is an illustration of the necessity of having a powerful machinery in this House to keep down the arrears. According to the calculations made by the parties in that cause, if the hearing of it were to commence immediately, and proceeded at the rate of three days in the week, it would scarcely be completed within the probable duration of this Session. If that be the state of things, what is to become of the other suitors? That involves a serious question for this House to decide. Is the attention of the House to be denied to this particular cause, or is this cause to be heard, and is a hearing to be denied to the multitude? That question, I say, must be decided by the Committee of Appeals. But let me now say, that great inconvenience arose from this House not having the power of exercising throughout the year the jurisdiction which belongs to it as the ultimate Court of Appeal of this kingdom. There is another part of the jurisdiction of this country which is nearly connected with the appellate jurisdiction of this House, and to which I wish to call the attention of your Lordships—I mean the jurisdiction of the Privy Council in matters of appeal. Not only has the Privy Council to discharge all that business which peculiarly belongs to it, arising from the colonies, but by a modern Act of Parliament, all the important functions of the House of Delegates. Various other duties are also imposed on it by modern Acts of Parliament. It appears to me that, by some modification of the existing system, it might be made as good a tribunal for discharging these important functions as could be devised. The Bill establishing the judicial Committee of the Privy Council had this defect—it did not make it the duty of any one individual to superintend and watch over the judicial business of that Court. There were numerous individuals who constituted the Members of the judicial Committee, and there was no one whose duty it was to attend to it, or who was answerable for the proper performance of the duties. The consequence was, that that high tribunal has been open to the great inconvenience of a change from time to time, even from day to day, of the officers who attended to administer justice there. Such are the inconveniences that exist at present in these three great tribunals—the House of Lords, the Privy Council, and the Court of Chancery. It is now my duty to endeavour to find some remedy by which those inconveniences can be remedied. My Lords, in applying ourselves to the consideration of that question, it behoves us to consider it well. In the Court of Chancery, the great, the crying evil is, the want of an individual who might be at the head of that court to perform the important duties belonging to it, and who could devote himself to those duties without having his attention directed to other matters—without being called away to other duties. As in the case of other legal tribunals, he should be able to devote his whole time, his whole talents, and his whole industry to the high duties of the court intrusted to him. Why should the Court of Chancery be placed on a different footing from other courts? Is its business less important, or has he who presides over it less important functions to perform? I think I have stated enough to show, that whether we regard its functions or the amount of property under its control, it far exceeds in importance any other court, or, I may say, all the other courts put together. The first measure, then, which I have to propose is to provide for the Court of Chancery a permanent judge, able to devote himself to the business of the court, and whose attention should not be called away to other subjects. The great evil which exists at the present moment in the appellate jurisdiction of this House is, that during the greater portion of the year it is shut from the suitor. It can only, as at present constituted, administer justice during the period of the Session; for six months therefore—for one-half of the year, those who are suitors to this House, who are appellants or respondents, have no tribunal to apply to. They have no means of bringing their cases on for decision during that time, and if they cannot accomplish their object of having their appeal heard during the Session, there is an end of the appeal for six months to come. The case which I before referred to exemplifies this strongly. It proceeded for nineteen days, and then, from the length of the argument, a question arose as to what probability there was that it would be concluded during that Session. If it was not to be finished in that time, it was obviously unjust to press one party to complete his case, inasmuch as, during the recess, the facts might escape the recollection of those who would have to decide upon it, and then to allow the other party to commence his case at the commencement of the next Session. The only just course, therefore, which could be taken was to prevent the case from proceeding further, the parties having permission to resume it next Session. Unfortunately it happens, that it is impossible to resume the discussion before the same individuals who heard it before. What course then can be adopted? This evil arises from this House not being able to continue hearing appeals after the close of the Session. The very case which I have just described may occur again. The argument may be once more commenced: from its great length no man can prophesy, with any certainty, when it will be concluded. Suppose it were commenced, and suppose, owing to the length of the discussion, or to the Session being speedily terminated, the parties are left in the same predicament as before. Could anything be more injurious—could anything be more destructive to their interests? The expense is perfectly enormous—it is frightful. What remedy, I say, can be applied to the evil? As this House constitutes the highest tribunal for appeals in this country, and as the suitor may sue where he pleases, in my opinion he ought never to have this court of justice shut to him. Close it, if you please, so far as it concerns its legislative powers; prorogue it or adjourn it according to the old constitutional form, but allow it to continue to sit for strictly judicial purposes. It is then said, that connected with any scheme for the improvement of the judicial system, something ought to be done with regard to the Court of Review. When I speak of that, I must call to your Lordships' recollection the period when it was established, and the purpose it was intended to answer. I believe these were the circumstances. I have lived long enough in the Court of Chancery to know that there was not a grievance more pressing than the necessity of attending to the business of bankruptcy. The subject being brought before the House of Commons in 1823, Sir Samuel Romilly stated, that of all the suggestions he had heard for redressing the inconveniences of the Court of Chancery, none were so likely to be beneficial as the removal of the bankruptcy business of that court. I believe that was the universal feeling—beyond all question it was my own, and when the proposal came into the House of Commons, I thought it my duty to support it. The complaint is, that the Court in question has not sufficient business to do; the principal grievance is, that the machinery is too large. The object in instituting the Court of Review, was to substitute for a body of not fewer than seventy bankruptcy commissioners a limited number of competent individuals, who should devote their whole time and talents to the business of bankruptcy, and all points connected with it; and I must, in justice to the noble and learned originator of the measure, state to your Lordships, that so far from its having proved a failure, there is not a single trader or merchant in London who has had anything to do with matters connected with bankruptcy since it came into operation who does not confess himself deeply sensible of the great advantages he has derived from the institution of this Court. It is no doubt true, that the business before the Court of Review has become considerably less than it was at one time, but this is precisely owing to the efficiency of the system, the labours of the Commissioners of Bankruptcy and the appointment of official assignees, whose services have been found of very great advantage. It is, in fact, as I have said, the very success of the measure which has rendered its machinery too extensive for its present requirement; one part of the system has operated so successfully, that the other part has become almost superfluous. For, my Lords, I will not disguise from you, that at the present moment the Court of Review has not adequate duties to perform; and I am also ready, quite ready, to admit, that it is the duty of Government not only to direct attention to the existing evils in the system of law, as in every other department of the state, but to see and consider how these evils may be remedied. In reference to the Court of Review, however, though the fact of its greatly lessened extent of business be as I have admitted, yet I cannot say, that I think any change in it can, at the present moment, be safely or satisfactorily made; and I will, in one word, give your Lordships my reason. My Lords, a measure was last year sent up to this House from the House of Commons, which your Lordships had not time to attend to at the late period of the Session at which it came before you. I allude to the Bill for the Abolition of Imprisonment for Debt. My Lords, it is my intention at the earliest possible moment, after I have found time to consider the details of that measure, to bring it under your Lordships' consideration. By the machinery of that Bill, if it be carried, a good deal of additional work will be thrown upon the Court of Review, and I therefore conceive that your Lordships will agree with me in thinking that, at least until the fate of this Bill is finally decided—and as I intend to bring it forward as soon as possible, that period cannot be far distant—it would not be wise to precipitate at the present moment, any alteration in the existing establishment of the Court of Review. My Lords, there is another suggestion which has been made, which I am disposed to view very favourably, and which I trust, will also meet with the approval of my noble and learned Friend near me. My Lords, it has been suggested, that very great inconvenience continually arises from having the equity jurisdiction of the Court of Exchequer existing as a separate system. That it is not only inconvenient in itself, but that it necessarily interferes with the other departments of the Court, since that Court has become a Court doing so much business, and invested with so much importance as a Court of Law. My Lords, it is necessary on this point that we should inquire what is the extent of the business done by this Court as a Court of Equity. I have already stated the progress of business in the Court of Chancery; the returns from which this statement was derived contain also a statement of the number of bills filed in the equity side of the Court of Exchequer. As I have stated, the average number of cases before the Court of Chancery, for the last three years, has been 1,300, there having been a gradual increase in the business before that Court for a number of years past. The returns from the Court of Exchequer are from the year 1820 to the present time; and, unlike those from the Court of Chancery, exhibit no increase, but, on the contrary, a slight decrease. The average number of cases before the equity side of the Court of Exchequer, in the period I have mentioned, appears to be but 120 a-year, while that before the Court of Chancery is 1,300. My Lords, what has been suggested on this subject is, that the equity jurisdiction now performed by the Court of Exchequer should be transferred to the Court of Chancery, to which it more properly belongs, but, as your Lordships will at once see, this cannot be done in the present state of the latter Court, unless some further judicial aid be given to it. Here, however, it is suggested, that the machinery now in existence for the purposes of equity in the Court of Exchequer, which is now kept in operation for transacting the business of 120 cases a-year, will, if the proposed change be made, cease to be required at that Court; and the question is, therefore, whether it cannot be made available for the despatch of the thus increased business of the Court of Chancery? This is a point which well merits consideration. My Lords, if what I am now about to submit to your consideration should meet with your assent, and that of the other branches of the Legislature, its beneficial effect will be to make a great alteration in the Court of Chancery, by furnishing it with the means of carrying into effect its duties with more facility than it has hitherto had the power of doing, by leaving it in exclusive possession of its head, whose undivided attention will thenceforth be applied to the business before the Court; and I cannot but think, that until we have had full opportunity of seeing how the additional facilities thus afforded will enable the Court of Chancery to get rid of the arrears of business before it, and to despatch new cases, it will be hardly advisable or expedient for us to make any of the further alterations which have been suggested. With this feeling, in what I shall have the honour to recommend to your Lordships, much of that which has occupied the attention of the public, and much of that which many distinguished and learned individuals have suggested as expedient, has been omitted. At the same time, my Lords, those parties who think that more ought to be done upon this subject, who conceive that the plan suggested is not equal to what they look upon as the necessity of the case, will, I think and hope, agree with me, that at least as far as it goes, it is a decided improvement on the existing system, and is a considerable advance towards promoting the final result which their view of the case leads them to desire. Your Lordships will admit, that it is, at any rate, safe not to do too much in the first instance; and that having once set on foot an improvement, which it is anticipated will be satisfactory and efficient, not to take additional steps until it is found that the first attempt has failed in producing the desired object. My Lords, I am sanguine as to the entire success of the measure I am about to propose, for I conceive that when we have decided that there shall be a judge at the head of the Court of Chancery, whose time and talents shall be solely applied to the business of that Court, there can be little or no doubt but that in a short time he will succeed in keeping down the Appeal List, and will effectively despatch all the original business of the Court.

My Lords, if this hope be realised, and if the person at the head of the Court of Chancery shall succeed in keeping down the business of that court, as far as that court is concerned, the object is attained. Upon the course to be pursued in the despatch of appeals in this House, I will repeat, that if your Lordships shall sanction the proposition for keeping open this House throughout the year, as a court of appellate jurisdiction, the evils which are so severely felt will be speedily and satisfactorily remedied. With respect to the Privy Council, no objection exists, except it be the want of a permanent head to the Council; which objection may be obviated in the way I have already suggested. The general result would be this, that the Lord Chancellor for the time being would be at the head of all the ultimate appellate jurisdiction of the country, by presiding at appeals in error before the House of Lords, and at appeals before the Privy Council. By these means, by providing for the Court of Chancery a Judge whose sole duty it shall be to attend to its important duties, and by the House of Lords sitting in its appellate judicial character, notwithstanding any prorogation or dissolution of Parliament, in order, like all other courts of justice, to be always accessible to suitors, all the objects which I have stated in the opening of my observations will be amply fulfilled. My Lords, for the important purposes I have mentioned, two Bills have been prepared, an outline of which I will now proceed to lay before your Lordships. The first of these Bills is relative to the administration of justice in the Court of Chancery. It provides, in the first place, that after the appointment of a Judge to be at the head of that Court, to be appointed according to the provisions of the Bill, the Lord Chancellor shall cease to exercise the jurisdiction in that Court. It then gives power to his Majesty to appoint the said Judge for that Court, under the style and title of Lord Chief Justice of the Court of Chancery; and that all forms and appeals heretofore addressed to the Lord Chancellor, shall, for the future, be addressed to the Lord Chief Justice of the Court of Chancery. The Bill then provides as to the precedency and salary of that Judge. The Bill is now in blank as to both the one and the other of these points, but I apprehend that your Lordships will conceive that the head of a Court so important as the Court of Chancery ought to be put as nearly as possible on a footing with the Lord Chief Justice of the Court of King's Bench. The Bill then proceeds to provide—and the difficulty we have had in satisfactorily arranging this point has been the sole cause of my delay in bringing forward the measure—the Bill then provides for the separation of the processes of the Court of Chancery from those under the Great Seal. The provision is, that all writs in respect to processes from the Court of Chancery shall be passed under a seal, to be called the Court of Chancery Seal, instead of under the Great Seal as heretofore, but that all others shall continue, as now, to be passed under the Great Seal. The Bill then proposes an apportionment of the officers now attached to the Great Seal between the Court of Chancery and the Lord Chancellor, and makes regulations as to fees and emoluments. Some of the officers must necessarily be attached to the Lord Chancellor, and the others can remain attached to the Court of Chancery. The Bill further provides, that the Lord Chief Justice of the Court of Chancery shall be appointed during life and good behaviour, and shall be removable upon an address from the two Houses of Parliament. This, my Lords, is the outline of the provisions of the first Bill. The second Bill relates to the appellate jurisdiction of this House, and provides, that in order to facilitate the despatch of appeals before your Lordships, that your Lordships shall sit for the purpose of hearing appeals in error, notwithstanding any prorogation or dissolution of Parliament. It further provides, that the Equity Judges shall be subject to summons before your Lordships, in the same manner that the Common Law Judges now are; and that the same power of summoning shall remain in your Lordships, notwithstanding any such prorogation or dissolution of Parliament. It further provides that the Lord Chancellor shall be present at all sittings of the Privy Council to hear appeals, with the proviso, however, that in the Lord Chancellor's necessary absence the Lord President shall have power to appoint any other member of the Judicial Committee to take his place. My Lords, I have now put you in possession of the extreme grievances arising from the overgrown state of the Court of Chancery, and of the inconveniences arising from the present mode of proceeding before the House of Lords in its appellate-judicial capacity, and before the Privy Council, and I have also stated to you the nature of the proposed remedy for those inconveniences. Your Lordships have now before you the very important question to consider, whether the suggested plan does not appear efficient to improve to a satisfactory extent the administration of justice, and the two ultimate appellate jurisdictions of the country, and of that Court by which questions involving much of the property of the country have to be decided. My Lords, if this measure shall become the law of the land, a very great and just subject of complaint will be entirely removed, and one of the objects stated by his Majesty, in his Address from the Throne "the better administration of justice, especially in the Court of Chancery," will be, I trust, amply fulfilled. I therefore earnestly hope that it will meet with your Lordships' hearty assent. The noble Lord concluded by moving the first reading of a Bill for the better administration of justice in the High Court of Chancery.

Lord *Lyndhurst* wished to know if an appeal would lie from the Vice Chancellor and the Master of the Rolls to the Lord Chief Justice?

The *Lord Chancellor* replied, that an appeal would lie, as the Bill he had introduced did not propose to alter the constitution of the Court of Chancery in any respect, except by putting a permanent Judge in place of the Chancellor.

Lord *Langdale* had no doubt but that the plan proposed by his noble and learned Friend on the Woolsack would be beneficial. It was, however, liable to objection on two points. He was aware that the present was not a convenient opportunity to discuss the questions arising concerning it, and he did not, therefore, consider it essential to enter at large into the subject; but he begged their Lordships to observe, that the plan which had been detailed to them would leave political and judicial functions, both of the greatest importance, united in the person of the Lord Chancellor, and would leave judicial functions of appellate jurisdiction and original jurisdiction united in that of the Lord Chief Justice of the Court of Chancery, leaving an intermediate court of appeals between the original hearing in the Court of Chancery and the final hearing in their Lordships' House. All these subjects were of the most grave importance. He thought it respectful both to the House and his noble and learned

Friend to mention them now, and he begged to apprise their Lordships that he intended to bring them seriously under their consideration in the future stages of the Bill.

Lord *Abinger* did not rise for the purpose of going into the merits of the question. He did not see any ground to apprehend that the objects proposed would be attained by the plan brought forward. The difficulties alluded to by his noble Friend who had last spoken, had also crossed his mind. With respect to the observations made by the noble and learned Lord on the Court in which he had the honour to preside, it appeared to him that the great difficulty connected with the Court of Exchequer was not the want of an extensive jurisdiction, but of competent persons to keep the equity division of it in continual activity. Since the period of the separation of the Courts, suitors experienced extreme difficulty in having their business conducted in the Court of Equity, where there were no permanent sittings. There was no reason why those who aimed at the improvement of our judicial establishments should not take the state of that Court into consideration. Its original condition, before the partition of it took place, had been very imperfect, and its functions had been so blended as to make it in many respects impracticable to distinguish between them. But the measure which had been introduced when he was a member of the other House, which opened the Court of Exchequer, and admitted solicitors from all parts of the world to practise in it, had made it answer all the objects of a court of law much more effectually. It was now as competent as any other Court for the purpose of administering law. But with respect to the equity jurisdiction, the Bill introduced by his noble predecessor in the office of Chief Baron (Lord Lyndhurst) had produced inconveniences which he did not seem to have contemplated; for the arrangements made by that Act for the regulation of the sittings of the Court were productive of much delay in the hearing of causes. The obvious remedy for this would be to appoint some competent person under the Lord Chief Baron in the Court of Exchequer to hear the equity causes, and to allow him to sit permanently. The result of such an appointment would be, that great part of the business which now overwhelmed the Court of Chancery would come immediately before the Court of Exchequer. If a person of great legal attainments and experience were appointed to sit in the equity divisions of that Court, it would be completely open, and would possess all the advantages common to those Courts whose sittings were permanent.

Lord *Wynford* was not quite certain that he had understood the observations made by his noble and learned Friend (Lord Langdale). He (Lord Wynford) should certainly object, as his noble and learned Friend had done, to appeals being made from the Vice Chancellor and the Master of the Rolls to the Lord Chief Justice, and he thought that the appeal should be made immediately to the Speaker. He was quite sure, that if the latter course were to be adopted there would be a saving of great expense, and much delay would be prevented. He also understood his noble and learned Friend to object to the Lord Chancellor, who presided in that House, mixing up politics with judicial decisions. He had always wished to see an alteration on this point made in the mode of conducting the judicial business of that House. He wished that the person presiding in it should be a permanent Judge, unconnected with party politics, because it was not fitting that a person attached to any of the great parties in the state should decide on points of order, and other questions that might be raised in that House. With these two exceptions he was ready to give the Bill his support. He had always thought it quite impossible that the same persons could perform the business of that House and the Court of Chancery, and he was therefore glad to see it divided.

The Duke of *Wellington* had not understood one part of the speech of the noble and learned Lord on the Woolsack. He wished to know what was to become of the jurisdiction of the House of Lords after a prorogation or dissolution of Parliament? Was it intended that the jurisdiction should continue in the absence of the House of Lords, or that the House should sit as a court of judicature in appeal cases, after his Majesty should have thought fit to prorogue or dissolve Parliament?

The *Lord Chancellor* said, that the House of Lords would sit throughout the year, for the purpose of hearing appeals and writs of error only.

Viscount *Melbourne* begged leave to say a few words on the Bills which had been laid before the House. He understood his noble Friend on his right (Lord Langdale) to say, that he did not entirely concur in the measures submitted to their Lordships, and in that opinion he also understood the noble and learned Lord on the other side to agree. But the general ground on which they objected to these Bills was, that it was proposed still to leave political and judicial functions united in the person of the Lord Chancellor. Now, he must be allowed to observe, that the measure, as at present proposed, would not at all preclude them from adopting a further reformation in this respect, provided that it seemed good to their Lordships on further consideration. But if they were to agree to that change in the first instance, they could not return to the state of things now existing if the alteration should not be found beneficial, and, therefore, he thought that the Bills were at least cautious measures, not proceeding so fast as many thought necessary, and at the same time not preventing a more thorough reformation if it should be expedient to adopt it.

The Bills were read a first time.

HOUSE OF COMMONS,

Thursday, April 28, 1836.

Stirling Canal Bill.] Mr. *Walter Campbell* rose, pursuant to a notice which he had given, to move, that the promoters of the Stirling Canal Bill be allowed to proceed therewith. He would briefly state the case on which he grounded his motion, and then leave to the House to decide upon its merits. A petition had been presented to the House, praying for leave to bring in a Bill to enable certain parties to construct the Stirling Canal, for the purpose of joining the Forth and Clyde navigation. The Bill had been intrusted to him (Mr. Walter Campbell), and on strict examination of the Standing Orders, he found, as he thought, that they had all been complied with. Four Gentlemen, however, subsequently petitioned against the Bill, on the ground that the Standing Orders had not been complied with. The petition was referred to the Standing Order Committee, and, after considerable discussion they decided, upon a division of 7 against 6, that the Standing Orders had not been complied with. The decision of the Standing Orders Committee was grounded upon their fifth resolution, which required that where any canal, being intended to be a continuation of another canal or navigation, was intended to be constructed, it was necessary to give notice to all parties who were interested in brooks, streams, or water-courses running into the original canal. He contended, that this was too strict an interpretation of the meaning of the fifth resolution. It was impossible to give a plan of all waters, brooks, and streams, without minutely describing all waters running into the original canal; and after even all this had been done, it would still be competent for the owner of a water meadow, the brook running through which had not been properly described, to come forward and say, that the Standing Orders had not been complied with. His (Mr. Walter Campbell's) opinion of the meaning of the fifth resolution was, that no person should be taken by surprise, or injured in his property without his knowledge. He contended, that there could be no surprise in this case, as the plan had been properly lodged with the Clerk of the Peace for the county of Stirling. He trusted, notwithstanding the decision to which the Standing Orders Committee had come, that the House would permit the Bill to go to a Select Committee upon its own merits. In the case of the Edinburgh Bridewell Bill in 1827; the Liverpool Dock Bill in 1828; and the Dorchester and Selby Road Bills, though the Standing Orders had not been complied with, the House had interposed, and permitted the Bills to proceed. The hon. Member concluded by moving, that notwithstanding the Standing Order, the promoters of the Stirling Canal Bill be allowed to proceed therewith.

Sir *George Clerk* was anxious, as a Member of the Standing Orders Committee, to state to the House the reasons which would induce him to call on them to support the decision of the Standing Orders Committee. He believed that there never was a case in which the House had interfered with the Standing Orders Committee, unless upon the ground of preventing great public inconvenience. In the case of the Edinburgh Bridewell, the House had not suspended the Standing Order upon the application of any promoter of the Bill, but had been called on to do so by a Member of the then Government, who stated that it was most important that no time should be lost in proceeding with the Bill. He was not aware of the reason that influenced the House to interfere in the other cases that had been mentioned; but he was sure that they had been influenced by some public considerations, and had been anxious that those cases should not be drawn into a precedent for similar interference. He was willing to admit that some inconvenience might arise from too strict an interpretation of Standing Order No. 5, and there might hereafter be some modification of it; but if that Order was now referred to, it would be found that no case had been made out for the interference of that House. The present was a canal communicating with an existing canal, and to be supplied entirely from it. The object of having the plans laid before the Committee was, that full notice should be given to all the owners of the brooks and streams that supplied it. Now any owner might permit a certain portion of his stream to be supplied to a canal, but it would be an act of the greatest injustice if that Canal Company could afterwards, without due notice to the owner, give such an indefinite quantity to other canals as would draw off the entire supply from the owner's mills. He did not think the House was bound to go further than to put a proper interpretation upon the Standing Order which had been referred to. He concurred in the decision of the Standing Orders Committee, and he therefore left it for the decision of the House.

Mr. *Loch* said, though this was a question of very great importance to the midland counties of England, there were many instances within his own knowledge where such interpretation had not been put upon the Standing Order. There was the Liverpool and White Church canal, in which it was within his own knowledge the plans were not considered requisite. He thought the interpretation attempted to be put on the Standing Order was extraordinary, and, therefore, he would support the motion of the hon. Member (Mr. W. Campbell).

Mr. *Palmer*, as one of the Standing Orders Committee, was very desirous to have the opinion of the Chair as to whether that Committee had properly done its duty or not.

Sir *George Strickland* said, that by the Standing Orders parties were bound to deposit a plan and description of the county through which the canal proceeded, and this he believed had not been done in the present case. But there was another question before the House, viz., whether the party did show such a case of hardship as that the indulgence of the House and of the Standing Orders Committee might be expected? On that point he would not dwell; but he thought that the hon. Member who brought forward the case, was defective in one part of his speech, inasmuch as he did not show a case of public inconvenience of such a magnitude as to induce the House to dissent from the regular order. It was the duty of the House to adhere to the Standing Orders as a regular rule, but where a case was shown of strong necessity, or of great public inconvenience, he would be the first to allow a departure from them, and to show indulgence to the parties.

Sir *James Graham* wished to state the reasons which induced him to concur with the majority of the Standing Orders Committee. Before the House reversed this decision, he begged to state that two Committees had concurred in the opinion that the Standing Orders had not been complied with. This, therefore, was an appeal from the concurrent decisions of two Committees, and was in itself a question of great importance. He admitted to the fullest extent that an adherence to the Standing Orders must lead to considerable inconvenience in the midland counties in the formation of any canal, but notwithstanding this he was bound to state that the Standing Orders, although, undoubtedly, they would lead to inconvenience, were consistent with the rights of property and the principles of justice. The Standing Orders, as now framed, whatever might be the inconvenience arising from it, was strictly in conformity with the sacred rights of property in the original proprietor. Now this was the case:—A party came, and, by a legislative enactment, procured a certain control over the property of another; but the Legislature distinctly said to the parties, that this control was given for a specific purpose, and to a limited extent. The Legislature tells the proprietor of the stream or watercourse, that for the public good it is necessary that he should surrender to a certain extent his control over the stream, but certainly after the supply of the canal the surplus water both in law and in equity belonged to the original proprietor, and no party had a right to dispose of that surplus to another. Should a miller have a right to agree with a party for the supply of water for his mill, and then go to another party and dispose of the surplus water after his own mill was supplied? In like way the lord of a manor makes an enclosure. He gives the right of burning lime to those commoners who concur with him, but surely he does not thereby entitle the commoners to burn lime for sale. The cases were quite analogous to that under the consideration of the House. Whatever inconvenience might result from the standing Order it was in strict conformity with the rights of property and the rights of the original owners which the House was bound to protect.

Mr. *Evelyn Denison* was surprised that his hon. Friend, the Member for Yorkshire, should suppose the Standing Order was so clear that nobody could doubt the meaning of it, when, in fact, in the Committee upon the Standing Orders a considerable difference arose, and a division took place upon that very Standing Order. He thought that in the case of this canal the Standing Order had been distinctly complied with, and he believed that in the Committee he had moved a resolution to that effect. All that was required by the Standing Orders was that a direct line should be drawn upon those points from which the water was to be taken, and that had been done. This canal would enter the other at its highest level, and could not interfere with the rights of any person, as it would be supplied by the waste water, that would otherwise run over; and as it was waste water, which would flow when the canal was at its highest level; it could not be said that it was drawn from the springs which supplied the original canal. He conceived the projectors of the measure had done all which could be expected from them in giving notice to the parties interested in it.

Mr. *Denis O'Connor*, as one of the majority who voted in the Committee of Standing Orders, wished to state his perfect concurrence in the view taken by the right hon. Baronet, the Member for Cumberland. It appeared to him the parties had not complied with the rules of the House, and that it should be regarded as the extension of the original line of canal.

Mr. *Walter Campbell* replied: The complaining parties were all aware of the source from whence the canal was to be supplied. He had not entered into the merits of the Bill, but he would now take the liberty of stating that the canal had not one lock from one end to the other—that it was literally waste water by which it was supplied, and that no injury would result to these parties, as the whole water of these streams was given to that canal. There was a vulgar Scotch proverb which he should mention, as it was very trite and applicable: it had been said, that these parties had been injured; yes, and a pig might fly, but it was a very unlikely bird.

The *Speaker* said, that as his opinion had been appealed to, he considered that property in water was as much deserving protection from that House as property in land. It seemed that the question was considered so important that the matter was referred back to the Committee on the Bill. That Committee was of opinion that the Standing Orders had not been complied with, and the Standing Orders Committee, to which the question had been referred, were of the same opinion, then the question came before the House, had the Standing Orders been complied with? He thought that this canal was an extension of the original canal, a proportion of the water of which already belongs to the original proprietor of the brooks or streams, and being an extension of the original canal, he thought the decision of the Committee correct. If that Committee had decided on what he understood to be the nature of the Standing Order No. 5, would the House by a different construction set aside the standing order. He called upon the House to sustain and confirm the decision of the Standing Order Committee.—Motion withdrawn.

EDINBURGH POOR RATES.] The *Attorney General* moved, that the Report on the Edinburgh Poor-Rates Bill be brought up.

Mr. *A. Johnston* said, that he should oppose the bringing up the Report on this Bill, which went to take away from the members of the College of Justice in Edinburgh privileges which had been confirmed to them by many Acts of Parliament, both Scotch and British, during the last 300 years, and which had been solemnly sanctioned by a decision of the courts of law in 1790. The law incorporations of Edinburgh were ready to wave their privileges on the condition that the whole subject was brought fully before the House, instead of being thus introduced in detail, and that the question of the annuity tax was finally determined. The Faculty of Advocates had, in 1834, proposed to abandon their exemption from taxation on condition that the tax should be extended to all persons paying a rental of 10*l.* or upwards. The rental which this measure would affect was about

40,000*l*. He was convinced a less partial measure must be brought forward for the consideration of the House. He should be extremely sorry to see it interfere with those peculiar and vested privileges which it was proposed by this Bill to destroy, and feeling in the strongest manner the great injustice that was contemplated by it, he would move that the Report be brought up that day six months.

The *Attorney General* protested against the grounds upon which this Bill was opposed. About the year 1698 a Bill was passed for the purpose of raising poor-rates in the city of Edinburgh, which were then very inconsiderable, and the members of the College of Justice, consisting of the judges, the advocates, the attornies, the solicitors, all the clerks, and all the officers connected with the courts—certainly a most honourable body—contrived to have a clause introduced exempting them from contributing to the support of the poor. Several successive Bills had been passed for the relief of the poor in Edinburgh, in each of which they contrived to have the same clause inserted. He imputed nothing to the Faculty of Advocates, and notwithstanding the zeal of the hon. Member for St. Andrew's, he could inform him that a very large portion of them were favourable to this Bill; they thought, in fact, that they were placed in a disgraceful position, and were anxious to be removed from it. There were 600 persons in Edinburgh, who called themselves members of the College of Justice, who would not contribute one shilling, although their servants and domestics were frequently supported out of that fund. The exemption, therefore, was entirely one of a personal nature. It was said, wait until every thing could be settled together. But what, he would ask, had the collecting of an annuity-tax for the maintenance of the clergy to do with the relief of the poor? In his opinion nothing. Under these circumstances, he hoped the motion of the hon. Member for St. Andrew's would meet with no sympathy from that House.

Sir *George Clerk* conceived, although this was a private Bill, that it involved a great public principle, and ought to receive the deliberate attention of the House. They were called upon to consider, as had been yesterday gravely asserted, whether, in these enlightened days, a measure of general utility was to supersede one of vested interests; but he at least would hope, that that House was not prepared to set aside, without due compensation, the vested rights of any body of men, or even of any individuals, merely upon the ground of general expediency. He was not there to argue the polity of the grounds upon which the privileges in question were granted in 1698. The question then arose, when poor-rates were for the first time to be imposed in Edinburgh, whether the College of Justice should be exempt or not, and it was maintained successfully that it should, and in all subsequent Bills proposing local assessment no charge had been made upon the members of that college, unless voluntarily on their part; but he could state, that in no instance where any great public improvement was about to be made had this body urged their privilege of exemption; on the contrary, they had always evinced a readiness to bear their share of any assessment to be levied for such a purpose; and in the next place, they generally made use of the powers they possessed for the advantage of the community at large. But the most important point was, that they were ready to wave their privilege on the condition that the question which had yesterday been under the consideration of the House (that of the annuity-tax) should be fairly settled, and religious instruction to a sufficient extent secured to persons of the Established Church in Edinburgh, together with the settlement of the Poor-rates question. The Attorney-General himself objected in the Committee, of which he was Chairman, to have the two Bills separated. When the Municipal Bill for Scotland was presented, the Faculty of Advocates stated their willingness to give up their privileges, if these two objects were kept together, but that if separated, they would not consent to do so. Was the House to deprive them of their vested rights, and of that power which they exercised upon any great question relating to Edinburgh, in securing the introduction of a clause for the benefit of the community at large? Their privileges would have been withdrawn last year, upon securing to the clergy a proper maintenance, and making a provision for the poor. It was, therefore, upon these considerations they justified the continuance of their privileges, at the same time that they were willing to give them up upon a settlement of these two questions.

Mr. *Robert Steuart* had heard with surprise the arguments of the hon. Member for St. Andrew's in support of his amendment, and the only one he had used in favour of exemption was the very expensive education which those persons who were exempt had to receive. The House, however, should not infer therefrom, that any portion of that expense went for the support of the clergy, or for the support of the poor, but went to establish a fund for their own benefit. He really thought it exceedingly unjust that the most influential body in the city of Edinburgh should be totally exempt from contributing to the relief of the poor and the support of the clergy. If the annuity-tax, which bore so hardly upon some, were divided amongst all classes of the community, those on whom it now pressed would be relieved one-fifth. Even supposing there was some ground of objection to the annuity-tax, what reason could they have for continuing their exemption to poor-rates? That he conceived to be one of the strongest parts of the case, and all the present Bill proposed doing, was, to remove abuses, which the hon. Baronet called vested rights.

Mr. *Pringle* called the attention of the House to the fact, that the College of Justice had not been dealt quite fairly by, as the Lord-Advocate had not brought forward his promised measure respecting the annuity-tax, while the exemption from payment to the poor only was attacked. If both were introduced, the members of the College of Justice were quite ready to relinquish any advantage they at present enjoyed, for the benefit of their fellow-citizens, and without any pecuniary compensation.

The *Lord Advocate* stated, that, as a member of the College of Justice, whose privileges were the subject of discussion, he begged to say a few words. If those privileges could be defended on any just or equitable principle, no Member of the House would be more zealous, and he believed few more interested than he was to defend them. The question relative to those privileges was, whether the Judges, Advocates, Writers to the Signet, Solicitors, and Officers of Court, should be exempted from contributing towards the support of the poor, along with the other citizens of Edinburgh, who were taxed for that purpose. He had not been able to discover any fair or reasonable ground on which they could desire to possess such an exemption. He was bound, therefore, not to oppose, but to support, the Bill. The Faculty of Advocates, to which he belonged, appeared to feel that there were no grounds on which they could directly oppose the Bill; but they stated, that they wished another arrangement with regard to the clergy—a matter of great complexity and difficulty—and that, therefore, they should not be called upon to contribute to the poor, until that separate question was finally arranged. The obvious answer to that argument was, that these were two totally distinct questions, and it was no reason because the matter as to the clergy might remain unsettled, that a Bill should not be passed to regulate the support of the poor. The hon. Member for Midlothian had referred to what passed in Committee last year, but he (the Lord Advocate) had then stated, as he did now, that the questions as to the clergy and as to the poor were separate subjects; and while he then stated his intention of bringing forward this Session a Bill with reference to the annuity tax for the clergy, he had expressly said, that the provisions for the poor would not be included in that Bill, and that that was a subject which he was not called upon, officially, to take any charge of, although he then had a most decided opinion that no such exemption should be continued in favour of the members of the College of Justice. He might shortly state why he had not hitherto introduced such a Bill. He had hoped that the Report of the Municipal Commission for Scotland would have afforded him the means of framing it, but the business was undertaken by his right hon. Friend near him, who went to Scotland, and framed a plan preferable in a great many respects to any other that had been devised. That was unfortunately rejected by the creditors of the city of Edinburgh; and until some other proposal could be brought forward, he was not in a situation to introduce any Bill on the subject of the clergy. That circumstance, however, afforded no ground for delaying for one hour, this measure with regard to the poor. The sooner it was fixed and settled the better; but it was a very extraordinary view indeed that the other measure would be promoted by delaying this Bill, which had no bearings toward it. The Writers to the Signet had taken a most direct and intelligible view of the subject. They did not attempt to mix it up with provisions relating to the clergy, with which it had no connexion, but they maintained, that all existing members of the College of Justice should be exempted during their lives, and that those only who might in future become members, should be compelled to contribute towards the poor. He believed that the House would be of opinion with him, that so far from the exemption being allowed to continue, it had already subsisted too long, and that he was not unduly surrendering the privileges of the body to which he belonged, when he voted that they ought, along with the rest of the citizens of Edinburgh, to contribute to the support of the poor of that city.

The House divided on the original question. Ayes 108; Noes 77:—Majority 31.

List of the Ayes.

Astley, Sir J.
Baines, Edward
Barnard, E. G.
Barry, G. S.
Berkeley, hon. F.
Bernal, Ralph
Bewes, T.
Bish, T.
Bridgman, Hewitt
Brotherton, J.
Buckingham, J. S.
Buller, E.
Burrell, Sir C. M. bt.
Butler, hon. P.
Chalmers, P.
Chapman, M. L.
Codrington, Sir E.
Crawford, W. S.
Crawford, W.
Divett, E.
Duncombe, T. S.
Dundas, J. D.
Evans, George
Ewart, W.
Fazakerley, N.
Ferguson, Robert
Gillon, W. D.
Gisborne, T.
Grote, G.
Hall, B.
Harvey, D. W.
Hastie, A.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Horsman, E.
Howard, hon. E.
Howard, P. H.
Howick, Viscount
Hoy, James Barlow
Hume, J.
Hutt, W.
Jephson, C. D. O.
Jervis, John
Labouchere, Henry
Leader, J. T.
Lefevre, C. S.
Lennard, Thomas B.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Loch, James
Lynch, A. H.
Mackenzie, S.
M‘Taggart, J.
Mangles, J.
Marsland, Henry
Maule, hon. Fox
Maxwell, John
Morpeth, Lord
Morrison, J.
Mostyn, E.
Mullins, F. W.
Murray, John Arch.
North, Frederick
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor, Don
O'Ferrall, M.
Oliphant, Lawrence
O'Loghlen, M.
Oswald, J.
Palmer, General C.
Pattison, J.
Philips, G. R.
Potter, R.
Poulter, John Sayer
Price, Sir R.
Pryme, George
Russell, Lord John
Scholefield, Joshua
Scott, J. W.
Seale, Colonel
Sharpe, General
Stanley, E. J.
Stewart, P. M.
Strickland, Sir G.
Stuart, Lord J.
Stuart, V.
Thomson, C. P.
Thompson, Paul B.
Thompson, Colonel
Thorneley, T.
Tooke, W.
Trelawney, Sir W.
Tulk, C. A.
Villiers, C.
Wakley, T.
Wallace, R.
Ward, Henry George
Wemyss, Captain
Wilkins, W.
Williams W. A.
Wood, C.
Wrottesley, Sir J.
Young, G. F.

TELLERS.

Campbell, Sir J.
Steuart, R.

List of the Noes.

Agnew, Sir A., bart.
Archdall, M.
Bailey, J.
Baillie, Colonel H.
Barclay, C.
Baring, F.
Baring, H. Bingham
Baring, Thomas
Barneby, John
Beckett, Sir J.
Boldero, Henry G.
Bolling, Wm.
Bradshaw, J.
Bruce, C. L. C.
Calcraft, J. H.
Campbell, Sir J.
Canning, Sir S.
Chandos, Marq,
Chichester, A.
Cole, Lord
Conolly, E. M.
Cripps, Joseph
Darlington, Earl of
Eastnor, Viscount
Egerton, Sir P.
Elwes, J.
Entwisle, John
Estcourt, Thos. G. B.
Ferguson, G.
Finch, George
Foley, Edw. Thomas
Forbes, Wm.
Fremantle, Sir T. W.
Gaskell, J. Milnes
Gladstone, Thomas
Gladstone, Wm. E.
Goulburn, rt. hon. H.
Graham, Sir J.
Hale, Robert B.
Hamilton, Lord C.
Hay, Sir J., bart.
Hayes, Sir E. S., bart.
Jackson, Sergeant
Johnstone, J. J. H.
Johnston, Andrew
Kearsley, J. H.
Knight, H. G.
Lewis, David
Lincoln, Earl of
Lucas, Edward
Lushington, S. R.
Mackinnon, W. A.
Mahon, Lord
Meynell, Henry
Peel, Sir R.
Plumptre, J. P.
Rae, Sir Wm. bart.
Reid, Sir J. Rae
Richards, J.
Ross, Charles
Rushbrooke, R.
Shaw, F.
Sheppard, Thomas
Sinclair, Sir George
Smyth, Sir G. H. bart.
Somerset, Lord G.
Stanley, Edward
Tennent, J. E.
Thomas, Colonel
Trevor, hon. Arthur
Vere, Sir C. B., bart.
Vyvyan, Sir R. R.
Wall, C. B.
Young, J.
Young, Sir L. W.

TELLERS.

Clerk, Sir G., bart.
Pringle, A.

Flogging in the Army.] Mr. *Wakley* moved for "Copies of the Evidence and Verdicts of the Juries at the Inquests lately held at Woolwich on the bodies of two Marines, who had been subjected to the punishment of Flogging." He deeply regretted that this motion was to be opposed by the Ministers of the Crown. It appeared to him to be a matter of great importance that the evidence of an initiatory court, like that of a Coroner's inquest, should always be laid before this House, in order that an opportunity might be afforded of knowing the circumstances of any case or subject with reference to which the House might be called upon to legislate. The House ought not to be left without the means of knowing whether the proceedings and the verdicts in these cases were consistent with the proper administration of justice. He did not mean to go into these cases, because it would be invidious in him to make any observations on the conduct of any person in the absence of the evidence. This he would say, that there were several hon. Members in that House who required the information which he sought. There was a Bill before the House to regulate the remuneration of medical witnesses for attendance at coroners' inquests, and there might be circumstances in the cases alluded to which would assist the House in coming to a decision on that measure.

Lord *John Russell* certainly could imagine peculiar circumstances in which that House would feel it to be their duty, in an extreme case, to call upon the Coroner to produce his notes of the proceedings; but he submitted that, without some very grievous case of this kind, it was inexpedient for the House to call a Coroner before them to give up his notes of evidence, in order that the House might read such evidence taken before a legal tribunal. He presumed that the evidence which had been given on the occasions to which this motion had reference had been fairly given, for the hon. Gentleman had said nothing to the contrary; and perhaps he was the only Member in the House who could, from a knowledge of the subject, say that the evidence, as it affected the medical practitioners, was unsatisfactory. He thought it would be very imprudent if the House were to interfere with the administration of ordinary justice so far as to call for evidence. Now, supposing that the evidence of the medical men (although the hon. Member had certainly not said so) had not been given with a sufficient knowledge of the principles of surgery, still the Coroner's Jury's verdict was not conclusive; and supposing the case of a Coroner's verdict of wilful murder, or no murder, or accidental death, it was always competent for persons to bring it before the tribunals of this country. He trusted that the House would refuse to accede to the motion.

Mr. *Wakley* had no personal motive in asking for this evidence; he thought it a very proper motion; but after what had fallen from the noble Lord he should not press the question. –Motion withdrawn.

COPYRIGHT ACT.] Mr. *Buckingham* said, I rise, Sir, in pursuance of the notice which has been some time before the House, to ask its leave to introduce a Bill, for the repeal of so much of the 54th of George the 3rd, commonly called the Copyright Act, as enjoins the gratuitous delivery of eleven copies of every published work, to eleven of the public institutions, colleges, and libraries of different towns in the kingdom. In doing this, I shall endeavour to lay before the House, as briefly as I can, the facts on which I shall chiefly ground my arguments for this repeal: and if these facts shall prove, that the gratuitous delivery of these eleven copies, as now enjoined by law, is injurious to the cause of literature, and to the general interests of the great majority of those engaged in its pursuit, I doubt not that the House will readily accord me the introduction of the Bill proposed. We have heard of late, within the walls of Parliament, many and repeated denunciations of what are called the taxes on knowledge, and while one party has sought the remission of the Stamp Duty on Newspapers, another party has put forward the prior claim for a reduction of the duty on paper generally—as this affects books as well as newspapers, and is, therefore, more emphatically a tax upon every description of knowledge, while the stamps operate as a hindrance to the diffusion of political information only. With the views of both of these parties, I entirely concur; and I should wish to see them both successful in their pleadings before the Chancellor of the Exchequer. But, Sir, the same principle which would lead me to vote for the remission of the Stamp Duty on newspapers and the reduction of the excise duty on paper generally, will carry me a step further, where those hon. Members on both sides of the House will, I hope, be ready to follow me, in demanding a repeal of the tax upon books, to the full as injurious as either of the two preceding ones, because it affects all books that are printed, whether political or otherwise, and operates most injuriously to the spread of knowledge, without adding any thing whatever to his Majesty's Exchequer in the shape of revenue. For the other taxes on knowledge, there is at least this apology or excuse: that they add to the public fund in the national treasury, a large portion of what they take from the consumer—though this would be no reason with me for defending them—for I have voted for their repeal on all occasions, and shall do so again, whenever the opportunity presents itself. But for this particular tax upon knowledge, which it is the special object of my motion to repeal, there is not even that feeble excuse: since it yields nothing whatever to the King's exchequer, and no portion of what is lost by authors and publishers, in consequence of this tax, ever finds its way back again to the coffers of the public.

That a tax upon the materials which enter into the composition of printed books —thus rendering the information they are designed to convey more difficult of access to the public—is unsound in principle and pernicious in policy, no friend of education can, I think, for a moment deny. But if it be wrong to tax the materials of which books are composed, what shall we say to the injustice of again taxing the books themselves when they are completed—and that, too, to such an extent as materially to limit the profits and consumption of books in general, by enhancing their price, and presenting other hindrances to their sale; operating, in some instances, as a positive prohibition, and preventing the appearance by strangling them in their birth, of very valuable works, which cannot be published at all, and are, therefore, lost to the world entirely, in consequence of this most heavy and obnoxious impost? The Act, commonly called the "Copyright Act," is entitled an Act for the Encouragement of Learning; though it must strike all who read its provisions, that it is a strange way indeed of encouraging learning, to subject all its cultivators, who desire to make their researches public for the benefit of others, to a heavy tax, by compelling them, before they can sell a single copy for their own benefit, to give away eleven copies of their works to eleven public libraries and institutions, from which they receive no benefit whatever in return, but by which they absolutely injure the sale of their own remaining copies to a far greater extent than the loss of the eleven copies at first abstracted. If this heavy tax be really favourable to the encouragement of learning, then, on the same principle, tithes should be regarded as an encouragement to agriculture —the timber duties an encouragement to shipping — stamps an encouragement to newspapers — and taxes in general an encouragement to industry. There may have been periods in our history when such doctrines would find advocates, as in those days when men were called upon to believe that the National Debt was a blessing, as all the interest of it was spent in the country, and that taxes of all kinds were beneficial, as the money raised in this way was again distributed over the community; but those days are passed away; and even the poetical imagery of Edmund Burke, who compared the operations of taxation to the ascending of the vapours from the surface of the earth, from whence they were again poured down in refreshing showers and fertilizing dews, would find no admirers in the present age, when men have learnt to discover, that though taxes must be paid to support the legitimate expenses of the state, all that is drawn from the people beyond that necessary amount, is to that extent a hindrance to their prosperity.

If it could be shown, indeed, that the interests of learning required the gratuitous delivery of the eleven copies of every work now published, to the eleven favoured institutions that receive them, and that the repeal of this privilege would cause learning to wane and decay, I should hesitate before I pressed such a motion as this on the attention of the House, because I believe that the encouragement of learning, and the promotion of knowledge, is one of the first and most important duties of a civilized nation; and I believe also, that all classes participate, directly or indirectly, in a nearer or in a more remote degree, in the benefits conferred on a nation by the increase of intelligence, and, above all, by its general diffusion among all classes of the community. But, if I shall be able to show that this tax is as impolitic and injurious in practice, as it is unjust and indefensible in theory,—that it tends to the discouragement instead of the encouragement of learning—that it is not necessary to the institutions for whose uses it is exacted,—that it brings nothing to the public revenue, but on the contrary abstracts from it,—and that it is highly injurious to the interests of authors, printers, artists, publishers, and readers of books in general, I cannot but feel assured that the House will go along with me in my endeavours to rectify an evil which has been too long suffered to continue.

As I stated, however, that my arguments would be founded on the facts that I should be able to adduce in support of my proposition, I beg leave to lay before the House a very brief statement of the history of this subject, which is collected from a very able Report laid before Parliament in the Session of 1818, and founded on the evidence obtained by order of the House of Commons.

The earliest foundation for a claim from any public library for a gratuitous delivery of any book, was a deed, by which, in 1610, at the request of Sir Thomas Bodley, the Stationers' Company engaged to deliver a free copy of every book printed by them as a corporation, to the University of Oxford. In 1662, an Act was passed to prevent abuses in printing seditious and treasonable books, by which, three copies of every printed book were ordered to be deposited by every printer with the Master of the Stationers' Company, who was to send one of these to the King's Library, and one to each of the Vice-Chancellors of the two Universities of Oxford and Cambridge, for the two libraries there. This Act, however, expired in 1695. Up to that period, the property of authors, in what is called the copyright of their original works, was held to be perpetual, and to rest in common law, according to the decisions of nine to three of the judges of the land. In 1710, the Act of the 8th of Queen Anne, enacted that nine copies of each printed book should be delivered by the printer to the Company of Stationers, to be thus disposed of:—one to the Royal Library, two to the Libraries of Oxford and Cambridge, four to the four Universities of Scotland, one to the Library of Sion College, London, and one to the Library of Advocates in Edinburgh. By this Act it was always held, however, that unless the books were entered at Stationers'-hall, they could claim no protection against invasion of copyright, and unless entered there, the delivery of the nine copies was not binding. It was upon this construction of the Act, that the 41st of George 3rd expressly entitles the Libraries of Trinity College and King's Inn, Dublin, to two copies also, of all books entered at Stationers'-hall, making the present number of eleven copies, instead of the former number of nine. In two trials that took place on this subject in 1812 in the King's Bench, it was ruled, however, that whether the books were entered at Stationers'-hall or not, the copyright would be defended from violation, and the eleven copies for the libraries would be claimed. By the last decision also, the burthen of the delivery was put on the publishers, instead of the claim being left to be made, as it formerly was, by the libraries.

In 1813, this tax was felt so grievously by authors and publishers, that many petitions were presented against it, and a Select Committee of the House of Commons was appointed to take evidence on the subject. Instead of any improem ent beign made in the law, however, by this effort on the part of the petitioners, it was in reality made worse; for in 1814, when the last Act was passed on the subject—namely, the 54th of George 3rd, c. 156, the eleven copies were continued to be exacted from the publishers, and that for the British Museum was directed to be of the largest size and best edition, however costly that might be, or however few the numbers of such fine copies that might be printed.

This, then, is the state of the law upon the subject at the present moment; and what renders it the more obnoxious is, that England is the only country in which an Act of Parliament has been passed nominally for the encouragement of learning, but in reality for increasing its difficulties, by such an exorbitant demand on its productions. In America, in Prussia, in Saxony, and in Bavaria, one copy only of each published book is required to be furnished to the State: in France and Austria only two; and in these only when exclusive copyright is claimed and protected:—while in England, eleven copies are exacted, not for the State—for of all these libraries, the British Museum alone can be considered as a National or State establishment, the other ten being exclusive corporations—and this too, applying to all works, from the "Penny Magazine" to the "Edinburgh Review," among periodicals; and from the "Child's First Lesson Book" to Newton's "Principia," among separate publications.

In 1818, five years after the first inquiry, the subject was again taken up by the booksellers, and a Select Committee was again appointed, which sat for a considerable period, and examined not less than thirty witnesses, including men of the first eminence connected with the business of publishing. The facts contained in this evidence are so remarkable, and, as it appears to me, so convincing, that I have taken the pains to select some of the more striking portions to lay before the House; and though this may be less agreeable to myself and others, than offering the substance of the evidence in general terms, I believe it will on the whole be better to present the questions and answers in the form in which they are published by order of Parliament, that there may be no possible misconstruction, or even suspicion of misconception, as to the strict and literal fidelity of the statements themselves. I will, therefore, with permission of the House, submit these portions of the evidence seriatim, as I have extracted them from the Parliamentary Report.

Mr. *Owen Rees* called in, and examined.

"Have the goodness to inform the Committee what sum has the delivery of the eleven copies under the Copyright Act cost your House since July 1811?—I presume you mean from the date of the passing of the Act in 1814: From the nearest calculation we are enabled to make, the actual cost of the books delivered upon the whole since the passing of the Act, is about 3,000*l.*

"Is that the sale price, or the actual cost to you?—The actual cost to us, and the incidental expenses.

Do you in this include the expense of books in which you have shares, and are managed by others, or do you mean those published by yourselves?—Only those published by ourselves.

"Have you in consequence of the burthen of this delivery declined printing any works which you would otherwise have undertaken?—Yes; we have declined printing some works, particularly a work of Nondescript Plants, by Baron Humboldt, from South America; being obliged to deliver the eleven copies has always weighed very strongly with us in declining other works.

"Have any books been returned to you from the libraries?—None whatever.

"Have they demanded all books promiscuously printed, or have they made any selection?—Every book entered at Stationers' Hall has been sent to them. No selection has ever been made; nine copies of all books have been demanded, and eleven of all, with the exception of Novels and Music, which have not been demanded by two of the libraries.

"What duty do you pay upon paper?—The duty upon paper used for printing is from twenty to twenty-five per cent on the value of the paper.

"Are the English Universities exempted from the duties on paper?—They are exempted from that duty on all books printed in Latin, Greek, the Oriental, and in the Northern Languages, as well as Bibles, Testaments, and Common Prayers, printed by themselves at the Universities.

"Can they therefore undersell you?—They have it in their power by not paying the duty on paper in those instances.

"Have you any list of what the delivery of the eleven copies amounts to of any particular work?—I have the list of a few works.

1	Rees' Cyclopedia, royal	..	£145	16	0
10	Ditto, demy	..	810	0	0
11	Daniell's Coast Views	..	346	10	0

"Do you require any protection of Copyright for high-priced books?—That is hardly necessary, but in a very few instances; generally speaking, there are very few expensive books of which the Copyright is of any value after the publication.

"Was it not usual before the passing of this Act for the public libraries to subscribe to, and frequently to purchase, learned and very expensive works; and did not authors calculate on the Universities as probable purchasers of the work they were about to bring forward?—They certainly have looked to the Universities as subscribers or purchasers of these books; and upon examination, I find it was the custom of some of the libraries who now claim books under the Act, to subscribe to expensive works, and that within fourteen years after the passing of the Act of Anne.

"Have not some valuable books been discontinued from want of sufficient subscribers?—Yes, there have been important works which have been abandoned for want of sufficient encouragement:—among others, Rev. Mr. Boucher's Dictionary of Obsolete and Provincial Words; Dr. Murray's (the Editor of Bruce's Travels) History of Languages; Translations of Matthew Paris and other Latin Historians. (William of Malmesbury only published. One more has been translated, but not published.) An extensive British Biography, arranged in periods. A considerable portion of this work has been written by some of the first writers of the present day. The collected works of Sir Isaac Newton; Hearne's (the Antiquary) Works; Collections of the Irish Historians; Bowden's Translation of the Doomsday-Book, after the Translation was finished, and one volume and a-half printed.

"Would you have preferred abandoning the Copyright to giving the eleven copies?—In most instances of expensive books we would do it, particularly in books of limited numbers.

"At the time the Copyright Act of 1814 passed, did you understand it would include a demand for the reprints of old books?—We certainly did not expect it.

"In point of fact, according to the Act in 1814 having been passed, have you not been obliged to deliver some very expensive works of old English Literature, which otherwise would not have been demandable?—We have.

"Has not that demand had an effect, among other reasons, of inducing you not to embark in other reprints of the same nature?—It has.

"Are not many of those prints verbatim reprints of works already in the respectable libraries, or some of them?—They are.

"Can you state the peculiar injury to you in that series of publications, in consequence of the delivery of the eleven copies?—I believe not above one of that series of Chronicles was published after the passing of the Act; it would have been very heavy had they been published subsequently to the Act.

"Do you consider the tax of the eleven

copies a great prevention to future undertakings of such series of ancient English Historians?—I certainly do.

"You were concerned in the reprint of Holinshed and other Chronicles of English History?—I had the direction of that publication."

Mr. *Richard Taylor* called in, and examined.

"What would be the price of press-work and paper for eleven copies of an 8vo. work of thirty sheets, or 480 pages?—Eleven copies of an 8vo. work of thirty sheets, the press-work and paper only, not including the composition, would cost from *7l.* 2*s.* 6*d.* to 27*l.*, according to the quality of the paper and of the press-work.

"What would be the price of press-work and paper for eleven copies of a 4to. volume of eighty sheets, and what would it sell for, supposing the volume to contain from 500 to 600 pages?—The price of press-work and paper for eleven copies of such a volume, which would contain 640 pages, would be about 36*l*.

"Would not the public libraries be the subscribers upon whom you would most naturally depend, if the Act of 1814 had not passed?—Certainly, works of that kind, and such other works as I have mentioned, must depend principally upon the public libraries for their sale.

"Had you not an ancestor eminent for Biblical learning?—Dr. John Taylor, author of the Hebrew Concordance, and I was about to mention, with the leave of the Committee, that to that work, which I believe was published about 1750, almost all these libraries subscribed. I see, among the list of subscribers for that work, the College of Christ Church, Oxford; Exeter College; Caius College; St. John's College; the University Library; St. Peter's; Queen's; Corpus Christi, and Trinity. The very Rev., the Principal of the University of Edinburgh; the Bursar of Trinity College, Dublin; and the University of Glasgow, who subscribed to it for the use of their libraries. The University of Glasgow not only did not take a copy of this book without payment, but also sent him the degree of Doctor of Divinity, by the hands of the Divinity Professor, who was going to England.

"Do you think, that the knowledge on the part of the public libraries of the different Colleges of Cambridge and Oxford, that each of them are entitled to a copy of every work; and that, therefore, such works must appear as soon as published, has a tendency in the first instance to prevent the libraries in private Colleges from purchasing these works, knowing that they would be deposited in the University library by the compulsory operation of the law?—I think it has that tendency; and I know a very strong case in point, which was the case of some Tables for determining the value of life annuities, and securities, composed by Mr. George Barrett, who had employed himself for many years in calculating them, and for whom we printed the prospectus. The work was considered as very valuable by persons acquainted with the subject, and it was thought advisable to have it printed, but the expense was so considerable, as scarcely to make it worth while. It would have made two quarto volumes of table-work, which is very expensive work, as I have already mentioned. It was a work to which he thought it probable he should easily get subscriptions from the University Libraries; because the Colleges having considerable landed property, and having to grant leases for lives, these tables would be very useful to them, and to the agents of all those who had great landed property, which they let on lease. He applied through some friend to those connected with the University Library at Oxford for a subscription; and the answer he received was, 'that the University had a right to a copy gratis; and as it was only a book of reference, this one would serve all the colleges.'"

Mr. *John Clark* called in, and examined.

"Have you lately declined the publication of any law books, with the improvement of notes?—I have.

"What are they?—One of them was Mr. Anstruther's Reports.

"Any others?—Not immediately that I recollect. I have made reprints of law books, without the addition of notes or improvements.

"Why did you decline the publication of them with improvements?—Because, if I had added the notes, I should have been necessarily obliged to deliver the eleven copies to the public libraries.

"If you merely published the reprint of any book, without additions or improvements, you would not be liable to deliver the copies to the Universities?—I should not, having delivered them before.

"Should you decline republishing a book with notes for that reason?—I should, in some instances.

"Would this be the only ground upon which you would decline the addition of the notes?—Certainly, in small impressions.

"Are there any other law books, which the delivery of the eleven copies would deter you from publishing?—Yes, there are others; but I should wish to decline naming them, for being only in embryo, something may turn up at a future period.

"But they are works that you should conceive would be injured by the delivery of the eleven copies?—Yes.

"How does the delivery of the eleven copies operate upon the smaller editions of your law books?—In a great measure in preventing the reprint of them.

"What effect had the delivery of the eleven copies upon the printing of Mr. Hatsell's Parliamentary Precedents?—After deducting the expenses attaching to the publication, and if all sold, the balance of 52*l.* 6*s.* 8*d.* would be left: the universities have demanded eleven copies, which came to 44*l.* 18*s.* 8*d.*, and that leaves the small profit of 7*l.* 12*s.* 0*d.* on the impression.

"You mean on the whole impression?—Yes.

"Supposing the whole impression sold, the whole impression would have produced 52*l.* 6*s.* 8*d.* profit to the proprietor of the work, and the eleven copies to the public libraries would be 44*l.* 18*s.* 8*d.* and, the difference would be 7*l.* 12*s.*; which would be the net profit resulting to the proprietor upon the whole work?—Yes.

"What is the price of paper in France?—The printing demy of a thick quality, sells in France at seventeen francs and a half, or 14*s.* 6*d.* English money per ream, but the price may vary from 11*s.* to 14*s.* 6*d.*

"What is the price of a similar paper in England?—From 32*s.* to 36*s.* per ream."

Mr. *Robert Baldwin* called in, and examined.

"What is the value of books delivered by your house, since the passing of the Act?—The amount of the books delivered by us to the public libraries exceeds 1,000*l.* at the lowest trade price.

"In the demand made by the public libraries to the bookseller, has any regard been paid either to the utility of the respective books demanded, or to the books previously delivered by the publisher?—None at all; they have been taken indiscriminately. I should suppose, that if a sum of money was allotted to the universities to purchase books, they would not purchase one in ten of what are published, perhaps not one in twenty.

"Do you think the depositing of the eleven copies in these public libraries has any tendency to take away private purchasers?—Certainly, I think it must.

"Does it not, in your opinion, supply gratuitously many people who would otherwise be purchasers?—I should think it would.

"Do you conceive the evil is to be at all counteracted by any supposed notoriety given to those publications by the depositing of such copies in the public libraries?—Not by any means.

"Do you conceive, that your publications acquire any advantage by any such supposed notoriety?—We do not consider the supposition of notoriety arising from the depositing of the books to be well founded, or productive of any advantage; if we did, we should send the books to the public libraries without any compulsion.

Mr. *John Murray* called in, and examined.

"Did you not publish "The Costumes of various Countries?—Yes.

"Was that an expensive work?—It was very expensive.

"Should you now hesitate in the publication of such a work, knowing that you would be compelled to deliver eleven copies to the eleven public libraries?—Certainly I would.

"The wholesale price of these eleven copies would amount to a very large sum?—It would be a very serious object.

"What may be the amount of the books which you may have delivered at Stationers' Hall, since the passing of the Act of 1814?—The amount of the sale price to the public is about 1,700*l.*; and as those books had a very swift sale, I consider that I am the loser of that sum, deducting twenty-five per cent., which would be the sum at which the greatest part of those works would have been sold; I would deduct about 420*l.*; the whole loss would be then about 1,275*l.*

"Do you not consider the compulsory delivery of eleven copies of every book that is published as a very heavy tax on those who speculate in the publication of books, in addition to the very high duty on paper and advertisements?—Very much indeed."

Mr. *William Daniel* called in, and examined.

"Has the Act, directing the delivery of eleven copies to the public libraries, had any effect upon any publications which you have made, or which you had intended to make?—Checking many.

"Will you be so good as to state what effect it had upon you individually?—It has prevented the continuation of a large folio work, entitled 'Oriental Scenery.' It has prevented also a reduced edition of an African work; another of Ceylon. 'A series of Scenes and Figures illustrative of the Customs of India, and of Persons and Animals peculiar to that Country.' I believe those are the chief works which the Act has checked me in proceeding with.

"What do you apprehend to be the actual expense of the eleven copies which you have delivered to the public libraries?—There are two publications which have been published since the Act of 1814, the one entitled 'The Coast of Great Britain,' of which the cost of the eleven copies amounted to seventy-seven guineas; the other a reduced edition from the large 'Oriental Scenery,' the cost of the eleven copies amounted to 218*l.*; those are the two chief works that I have published since the Act, of which the eleven copies have been demanded.

"Previous to the passing of the Act, it answered your purpose to go on with the publication, but since you have discontinued it?—Yes, I have.

"Each copy, after the paper and the plate have been prepared, before it is in that state which the public libraries would have required of you upon each volume, would come to a great deal of money?—It would come to from 10*l.* to 15*l.*"

Mr. *William Bernard Cooke* called in, and examined.

"The Committee understand you are an engraver and publisher?—I am.

"Are you not publishing a work upon the Ruins of Pompeii?—I am.

"What would be the price of a complete copy of that work?—A complete copy would be sixteen guineas, and the price of the copies, upon India paper, thirty-two guineas.

"Is that the retail price?—Yes; the retail price to the public.

"Then what will be the amount of eleven copies at the retail price?—201*l.* 12*s.*; because the finest copies are claimed by the British Museum.

"What would be the amount of eleven copies at the trade price?—161*l.* 4*s.*

"Which of those prices would you lose by delivery of the eleven copies?—As publisher, I should lose the 201*l.* 12*s.*, the full price.

"If the Act of 1814 had not passed, should you have expected any of the libraries to have been subscribers to the work?—I certainly should; because the British Museum had purchased the first edition of the 'Thames,' and have discontinued purchasing any other works since.

"What other works of this sort do you mean to publish?—I am also publishing a work called the 'Thames,' and a work of 'The Southern Coast of England,' from drawings by Turner.

"How will the delivery affect you upon them?—The loss sustained by delivering the 'Thames' will be 88*l.* 4*s.*; that of the 'Southern Coast,' 134*l.*

"Has the delivery of the eleven copies, in your opinion, operated to discourage such publications?—Most certainly.

"Had you any hesitation in undertaking the work of Pompeii?—I certainly had, in consequence of those eleven copies.

"The liability of the demand of the eleven copies seriously entered into your mind, when you made the calculation, whether you should or should not undertake that work?—It certainly did.

"Do you think that the delivery of eleven copies of a very expensive work, of which a small number will be printed, would operate as a prohibition to the undertaking such a work?—That is my decided opinion; I have perfected two great works, which are now put by on that account, having even engraved a few of the plates, which is a great loss to me.

Mr. *Joseph Harding* called in, and examined.

"Are you at present engaged in the publication of any works of considerable expense?—Yes.

"What works are you publishing of that description?—We are publishing an edition of Dugdale's Monasticon Anglicanum, in four or five folio volumes; Dugdale's History of St. Paul's Cathedral; Portraits of Illustrious Personages of Great Britain, in two folio volumes, with 120 Portraits and Memoirs; Ormerod's History of Cheshire; Wood's Athenæ Oxonienses, in six volumes, quarto; they are the principal works we are publishing at this time.

"What will the delivery of eleven copies of these works amount to?—The delivery of eleven copies of these works will amount to 2,198*l.* 14*s.*

"Have you a list of them, stating the amount of each separately?—Eleven copies of Dugdale's Monasticon Anglicanum will be an absolute loss of 819*l.*; the loss upon Dugdale's History of St. Paul's Cathedral, will be 189*l.*; the loss upon the Portraits of the Illustrious Personages of Great Britain, will be 630*l.*; the loss upon Ormerod's History of Cheshire, will be 283*l.* 10*s.* These four sums amount to 1,921*l.* 10*s.*; and the loss upon Wood's Athenæ Oxonienses will be 277*l.* 4*s.*

"What loss was sustained by the delivery of eleven extra copies of Mr. Ruding's 'History of Coinage'?—The loss upon eleven copies of Ruding's 'History of Coinage,' amounted to 154*l.*; it was an actual loss of that sum, because within six months after the publication of the book, every copy was sold at 14*l.* a copy; and if I had had those eleven copies to sell, I should have had 154*l.* more to receive.

"Can you state the comparative prices of English books printed in London, and the same works printed abroad?—I have the prices of some English books printed on the Continent, which may throw light upon that question:—Gibbon's Miscellaneous Works, with his Memoirs, printed at Basle, in seven volumes, octavo, are sold retail for twenty-five francs, which in English money amounts to about a guinea; the price of the London edition of the same book, in five volumes, octavo, is 3*l.* 5*s.* Pope's Works, with notes, by Wharton, published in nine octavo volumes, are sold for twenty-five francs, about a guinea; the London price, in ten volumes, octavo, is five guineas. The price of Johnson and Stevens's Shakespeare, published in twenty-three volumes, octavo, with sixty plates, is sixty francs, about 2*l.* 10*s.*; the London edition, published in twenty-one volumes, octavo, without any plates at all, is sold at twelve guineas on small paper, and on large paper for eighteen guineas.

"What is the price of Lord Clarendon's History of the Rebellion, taking with you that the book belongs to the University of Oxford, and cannot be printed by any other than the university printer?—The London price of the only edition which the Clarendon Press has printed for the market amounts to 7*l.* 17*s.* 6*d.* small, and fifteen guineas large. There is not a small edition of the work to sell, though greatly demanded. The price of an octavo edition, consisting of twelve volumes, printed on the Continent, sells abroad for thirty-six francs, or about 1*l.* 10*s.*

"Have you declined publishing any works from the pressure of delivering eleven copies, besides Mr. Ruding's 'History of the Coinage?'—Yes, we have.

"Is there any inconvenience in stating what they are?—We have declined republishing Alexander Barclay's 'Ship of Fools,' a folio volume of great rarity and high price. Our probable demand would not have been more than for 100 copies, at the price of twelve guineas each. The delivery of eleven copies to the public libraries decided us against entering into the speculation. There is another work which we have declined printing, materially from the pressure of the eleven copies, which is a work of great value: it is 'A Series of Views relating to the Architectural Antiquities of Normandy,' by Mr. Cotman of Yarmouth; it is a work peculiarly interesting to antiquaries and to architects, but to few other classes of society; it relates to the Architectural Antiquities of Normandy.

"The Committee understand that you were the undertakers of the reprint of that very important old work of English poetry, called, "The Mirror for Magistrates," which was printed in three volumes quarto?—Yes, we were.

"Was not the loss of eleven copies upon that work a very considerable loss?—It was a loss of 110 guineas; and we should not have been able to have supplied the copies to the public libraries if the work had not been five or six years printing, in consequence of which some of the subscribers had declined."

Mr. *John Martin* called in, and examined.

"Are you not engaged in the publication of Mr. Dodwell's Scenes and Monuments of Greece?—We are.

"What would be the price of a complete copy of that work?—About thirty guineas.

"What will the engraving of the plates and the colouring of them cost you?—About 3,000*l.*

"What would be the amount of the eleven copies of that work to be supplied to the public libraries at the selling prices?—The selling price would be 330 guineas.

"And what would be the trade price?—The trade price will be about 275*l.*"

Mr. *Charles Stothard* called in and examined.

"You are publishing the Monumental Effigies of Great Britain?—Yes.

"The price is twenty-eight guineas the large paper, and twenty guineas the small?—Yes.

"Do you publish the work on your own account?—Certainly.

"Do you conceive that the delivery of the eleven copies to the public libraries is a great grievance?—A very great one indeed; for I believe, that if I had known it when I commenced the work, I should not have begun it."

Samuel Lysons, Esq., called in, and examined.

"For twenty-five years I have been preparing for publication an extensive work on the Roman Antiquities of England, entitled, "Reliquiæ Britannicæ-Romanæ," consisting of more than one hundred and sixty plates in folio, many of them forty inches by twenty-three, on which work I have already expended 6,000*l.* From the nature of this work, which requires that the greater part of the plates should be coloured, to render them intelligible, it is not probable that more than a hundred copies will ever be completed; and if the whole of that number should be sold, at fifty guineas a copy, I should not be reimbursed my expenses. In the two first volumes of this work already published, I have given a short letter-press description of the plates; but finding that under the last Act of Parliament for the encouragement of learning, my continuing to give such printed explanations would subject me to the heavy tax of eleven copies of my work for the public libraries, and deprive me of several of my purchasers, some of those libraries having bought my two first volumes, I have determined to omit any letter-press, and have engraved my title-pages and list of plates. I am convinced that few books of antiquities or natural history, consisting chiefly of plates, which are attended with a very heavy expense, and especially those which require to be coloured, can be published in this country with letter-press, if the editors are thereby liable to be taxed with the delivery of the eleven copies for the public libraries, and that the publishers will be under the necessity either of omitting any printed description, or having them printed on the Continent, where much would be saved in the article of paper alone, the price of the larger sorts of which in this country is extremely high in consequence of the heavy duty on them. I give twelve guineas per ream for the smallest paper which I use for this work, and seventeen guineas for the larger, which I am obliged to employ on account of the size of some of the plates.

"The discovery of these Roman Antiquities has cost you many years labour and attention?—A period of twenty-five years.

"The Committee would presume that you feel it to be impossible that anything like the same interest would attach to these plates without the explanation of letter-press to each plate?—Certainly not; I intend hereafter to print some letter-press, probably on the Continent, and import it.

"Which letter-press you would otherwise have printed in this country?—Yes, with the work."

Thomas Platt, Esq. called in, and examined.

"Are you one of the trustees under Dr. Sibthorp's will?—One of the executors.

"Are there any instructions in his will relative to the publication of the Flora Græca?—There are as to the mode in which the work was to be published. He devised an estate to the University of Oxford, upon trust, that the rents should be applied, first, in the publication of two works, to be intituled 'Flora Græca,' and 'Prodomus Flora Græcia;' the Flora Græca to consist of ten folio volumes, each volume to consist of 100 coloured plates, to be coloured from a collection of drawings which he had caused to be made for the purpose, and which he afterwards gives to the University of Oxford; and, these two works being completed and published, he directs the rents to be applied in the establishment of a Professorship of Rural Economy, 200*l.* of the rents to be paid annually to the professor for his salary, and the remainder to purchase books for the professor's library.

"As the estate has hitherto produced not more than 200*l.* a year, the expense of eleven copies of the work would amount to sixteen years' rent of the estate; and of course the giving eleven copies be an insurmountable difficulty?—I could not, as executor pursue it; I should throw it upon the hands of the University.

"According to your experience in the publication of this work of Dr. Sibthorp, do you not conceive that the gratuitous delivery of eleven copies would render any work of that magnitude entirely impossible to be published by any individual, with expectation of covering his expenses?—Yes, I do verily believe it; a work of half that value I should consider it impossible to publish; the right of exacting eleven copies appears to me an extinguisher upon splendid and expensive works."

Mr. *Thomas Fisher* called in, and examined.

"You have a work in hand, of which a certain limited number were subscribed for, concerning some ancient paintings and charters at Stratford-upon-Avon?—I have.

"The price being twelve and eight guineas?—Yes.

"You have been seven years employed in the execution of that work?—The drawings were made in the year 1804; they were executed in polyautographic (a mode of printing from tablets of stone), between that and in 1807, when the first part was published, consisting of a title, and eight coloured prints from ancient paintings; the second part came out above two years afterwards, consisting of seven prints from paintings, and two copper-plates; the third part was published in 1812, consisting of one double plate of a painting, and other plates (copper) to the amount of fourteen, with one sheet of letter-press. The whole of the paintings were coloured by my own hand, excepting a few impressions of one in which I endeavoured to avail myself of the assistance of colourers; but I found their work unsatisfactory to me, and discontinued the employment of them.

"Was this work so commenced by you, discontinued in consequence of the decision subjecting you to the delivery of eleven copies?—Yes; printing any work of the polyautographic press; conceiving that mode of printing to be but little understood, may I be at liberty to explain it to the honourable Committee. Instead of copper-plates or types, a tablet of stone is produced by the polyautographic printer, with steel pens and a prepared ink; a drawing is made upon the stone which he takes away, and has a method of fixing the drawing, so as to produce or strike off any number of copies. The number upon which I determined for my work was 120; the stone was then cleaned and brought again, and I proceeded with the second, and so on through the series of plates; my fixed number was 120 impressions.

"You were, therefore, unable to continue your work to your subscribers, in consequence of being liable to this demand?—In consequence of but having 120 copies of each polyautographic print, when I found by a decision in the Court of King's Bench that I was liable to eleven actions at law for the recovery of eleven copies by eleven privileged libraries, I conceived it would be impossible for me to comply with that demand, and I discontinued the work."

Mr. *Brooke* called in, and examined.

"What is your line of business?—Printing and publishing.

"In what peculiar line?—Peculiarly in the law line.

"Have you experienced any inconvenience or injury from the provisions of the Copyright Act?—I am very much aggrieved by the necessity of delivering eleven copies of the works which I publish, principally law works, on which it falls very hard.

"In what manner do you conceive law works are particularly affected by the delivery of the eleven copies?—The temporary nature of their matter makes it necessary to confine their editions to a comparatively small number of copies, and the expenses of printing and editing are so great, that the deduction of eleven copies is a very serious evil, as attaching to every new edition."

Mr. *Robert Harding Evans* called in, and examined.

"In very expensive works, particularly of scientific illustration, can you speak to the operation of the Act of 1814?—I conceive it to be a very heavy and very grievous imposition upon the bookseller, and such as is not levied by any other country in Europe.

"Have you found from your own experience, that that Act has operated to the discouragement of any literary production of the description to which you refer?—Certainly.

"But can you specify any instance in which this Act has effected this discouragement of which you are speaking; has it in your opinion, operated to prevent the publication of any literary work which would be useful to the public?—Certainly, it has prevented the printing and publishing of several editions of the Classics, which were about to be printed at the time the Act passed, but which were laid aside by the booksellers in consequence.

"Is it not the Copyright in that work so annotated upon; and can any body reprint that book with these notes?—No; but still we are obliged to give the eleven copies to the public libraries, where an old book is reprinted, even though there be no addition in the shape of notes or observations; suppose, for instance, I were to reprint the Universal History, although, I believe, that every one of the persons now entitled to claim it, have a copy in their possession, yet, though I might print it without an iota of addition, I must give eleven copies to the public libraries, notwithstanding they were, in fact, only duplicates of those already in their possession. With the exception of one of the Scotch Universities, the public libraries have universally exacted even novels; that university, to which I allude, certainly does not take novels.

"In those reprints, had the law stood as it now does, would you have conceived the demanded eleven copies as a great grievance?—Certainly; I myself printed a copy of Hackluyt's Voyages, and we only printed 250 copies, and I certainly conceived, that the public libraries were likely to be purchasers of that, and I had been asked before I went to press with the work, whether I should have printed it if I had the eleven copies to deliver; most probably I should not have printed it, nor published it.

"What is the price of that book?—Fifteen guineas; and the eleven copies were demanded just prior to the Act.

"What was the price of the 250 copies?—3,750*l.*

"What was the price of the eleven copies?—The price of the eleven copies was 165 guineas."

Upon this evidence it must be quite unnecessary to offer a word of comment. The character and experience of the witnesses, the clearness of their statements, and the irresistible force of their conclusions, must carry conviction to every mind. It did so, indeed, to the Members of the Committee, who drew up a Report, bearing date the 5th of June, 1818, in which they approach very nearly, in their recommendation, to the measure that I now venture to propose. This Committee, satisfied of the injustice of this tax, in its principle and in its details, were desirous of ascertaining its amount within a given period; and having directed a statement to be prepared by one of the witnesses, an experienced bookseller, of the retail price of one copy of every book entered at Stationers' Hall, between the 30th of July, 1814, and the 1st of April, 1817, they found that such prices of one copy of each book only amounted in the whole to 1,419*l.* The prices of the books received by this gratuitous delivery into the University of Cambridge alone, within the period named, amounted to 1,145*l.*; and taking the gratuitous deliveries to the other ten libraries to be of the same value, the whole amount would be 13,095*l.*, as a tax paid by authors, or publishers, or both—not to the poor and needy, or to those who are unable to supply themselves—not to Mechanics' Institutions, or Parish Libraries, or National Schools, or Public Reading Rooms for the use of all classes—but to ten at least out of the eleven, of exclusive Corporations, the greater number, if not all, of whom are perfectly able, though they may not be willing, to pay for their own supplies of books, as they are by law compelled to do for food and raiment, and every other necessary or luxury which they require.

The Select Committee of 1818, therefore, reported this resolution to the House.

"Resolved—That it is the opinion of this Committee, that it is desirable that so much of the Copyright Act as requires the gratuitous delivery of every work should be repealed, except in so far as relates to the British Museum, and that it is desirable that a fixed allowance, in lieu thereof, should be granted to such of the other libraries as may be thought expedient."

This, Sir, was the Report of the Committee of 1818. Why it has never been acted upon up to this period, it is for others rather than myself to say. But as it was one of the first subjects to which I ventured to direct my attention, as soon as I had the honour of a seat in this House—and as it has been postponed from time to time, not from any wish of my own, but from the perpetual difficulties that present themselves in the way of independent Members bringing forward their motions, from the pressure of Government business, and the constant interruptions and irregularities in the proceedings of the House—so I have steadily kept to my determination of pressing it forward on the first available opportunity, and I do sincerely hope, that His Majesty's Ministers, and the House in general, will accord to my motion their ready and cheerful support.

I am bound to add, however, that consistently with my own principles, I am for the entire repeal of the delivery of the whole number of the eleven copies, because I cannot perceive, even in the proposed exception of the British Museum, why authors and publishers should be specially taxed for its support, in the exaction of their books, any more than botanists, or mineralogists, or zoologists, or painters, or sculptors, or antiquaries, or collectors of any kind should be taxed, by being obliged to contribute from their stores or productions to swell the treasures of the British Museum. Whatever is requisite or desirable for that institution—to make it, as I wish it to be, the first museum in the world—let it by all means have. But the nation is rich enough to buy the books it requires, as well as to pay for the building in which they are lodged; and as the librarians, and servants, and messengers are not called upon to give their labour gratuitously for the public service, I can see no reason, whatever, why authors and publishers should do so. The labourer is worthy of his hire in each case, and we have no more right to demand that the author shall give the productions of his mind without reward, than we have to command the sentry to guard the treasures that are within the edifice, at whose gates he is posted, without pay. At the same time, I am free to say, that as in the last petition of the Booksellers themselves, which was presented to the House of Commons on the 22nd of March, 1819, while they prayed to be relieved from the gratuitous delivery of ten of the eleven copies of every published work, now demanded of them by law, they were willing to continue the grant of one copy of each work to the British Museum; if any hon. Member who may be associated with me in bringing in the Bill, shall introduce a clause of exception in favour of that National Institution, and it should be the general feeling of the House that it should be still so supplied,—I shall not oppose that single concession. In the same spirit of conciliation, I will also add, that if the Ten Libraries to whom this privilege is to be no longer continued, shall be thought entitled to an annual grant, for the encouragement of learning, from the Consolidated Fund, to be applied to the purchase of such Books as may be required, which sum must then come from the funds of the people at large, and not be exclusively drawn, as at present, from authors and publishers of books only, I shall be prepared to give such a proposition my assent and support. But I do trust that no consideration of vested interests will prevent the House from at least allowing me to introduce this measure, on the understanding that it shall be submitted to a full and fair discussion in all its bearings on the second reading. In this hope, Sir, I therefore beg leave to move, "That leave be given to bring in a Bill to repeal so much of the Copyright Act as enjoins the gratuitous delivery of eleven copies of every published work, to eleven of the public libraries, colleges, and other institutions of the kingdom."

Dr. *Bowring* seconded the motion. He expressed his regret, that no steps had been taken before this to form an arrangement between the Governments of England and France for an interchange of literary works.

Mr. *Arthur Trevor* said, though it might be injurious to both author and publisher to abstract from them eleven copies of very expensive works, which might not yet be standard works, still it would be an advantage to literature to have copies of standard works given to the great public literary institutions of the country, which parties could consult without the expense of purchasing them; and, if they were meritorious works, certain readers would have an opportunity of recommending them to the country through the reviews. He would oppose the motion.

Mr. *Goulburn* said, that though it appeared the hon. Gentleman's motion would not only deprive the colleges and other institutions of the right to get copies, but even of any conpensation for this deprivation, he should not oppose the first introduction of the Bill, and would wait to see, at a subsequent step whether any funds were to be provided by the country for the purchase of these works. It was nonsense to say that the present law operated as a discouragement to literature. The undoubted fact was, that it was a great stimulus to the literature of the country to place in the public institutions copies of new works, which all might read and know the value of; and, by knowing their value, circulate their opinions. Much of the argument of the hon. Member was upset by the simple fact that, so far as Cambridge was concerned, the gratuity of copies was not an invasion, but a compromise very advantageous to the author and publisher. Formerly, that was before the statute of Anne, the universities had the privilege of publishing for the use of the students copies of every new work, if they chose, but this right was resigned for the getting of a single copy. Cambridge, so far from availing itself of the right to get a copy of each new work, and stopping these, had, in many cases, advertised a good work, and purchased many copies, as in the case of Sibthorp's "Flora Græca" (as we understood), which was published at *50l.* a volume. He did not mean to say that this was the work of his gallant Friend beside him. It was an advantage to authors to have their works placed in the libraries, for they became more known to literary men; and by reading works of merit in libraries, men were enabled to become authors themselves. He would reserve his opposition to a future stage of the Bill.

Mr. *Williams Wynn* said, it was necessary to have more evidence of the nature of the Bill before they decided upon it. He considered that if any alteration were made in the present system, that the universities would be entitled to receive some pecuniary compensation in lieu of the books to which they were now entitled, and that pecuniary compensation might be very beneficially expended in the purchase of new and useful works; and that arrangement would, he conceived, materially conduce to the benefit of those learned institutions, for then they would have the advantage of selecting books of standard merit; and he believed that when the Universities first received the privilege it was limited to certain great works, and was not meant to embrace all the books published. He felt, however, that the House had no right to withdraw from the universities the privileges which they now enjoyed, because it would in a great measure tend to destroy the utility of their libraries. On the other hand, however, he considered that it would be a great tax upon authors of expensive works, and publishers of reprinted books, such, for instance, as "Hatsell's Precedents," which Members must have, or "Dugdale's Monasticon," that they should be claimed by the Universities. At the same time he felt as strongly as any man the impropriety and injustice of interfering with vested rights without adequate compensation being awarded, and, therefore, he hoped that if the proposed measure should be sanctioned by the Government, his right hon. Friend, the Chancellor of the Exchequer, would take the subject into his consideration, with a view to the principle of compensation. He did not think that it would be too much to award each of the universities *500l.* a-year in lieu of the privilege they at present claimed, and that arrangement he considered would tend, not only to the advantage of the universities, but to that of literature in general.

The *Chancellor of the Exchequer* felt called upon to say a few words upon this subject, which was extremely important, not only as regarded the rights of the universities, but the interests of authors, and, he might add, the welfare of literature. The principle of compensation, alluded to by his right hon. Friend who had just sat down had been admitted in the case of the University of Aberdeen, in the year 1833, when a Bill was passed on the subject; but he was not at present prepared to say how far it might be expedient to extend the principle of that Bill to the other universities. He certainly was most anxious that the interests of literature should be protected, and he was of opinion, that it would be better, and more convenient for the universities, that they should each have at their disposal a sum of money for the purchase of really useful works, than that they should have thrown upon them an indiscriminate mass of publications, many of which were worse than useless. At the same time he considered that there should be some place of deposit for every work published, in order that future generations might be enabled to judge of the state of our literature, and the manners, habits, and customs of the time in which we lived. The Universities, however, ought not to be deprived of their privileges without compensation, and he should object to any measure which would go to that extent. He should be glad to see the proposed Bill introduced, and when the House went into Committee upon it, hon. Gentlemen would then have the opportunity of examining its details, and considering how far, consistently with public and private interests, the measure ought to be supported.

Mr. *Lefroy* was satisfied that he should best consult the interest of the university he had the honour to represent, by stating that whatever plan would most conduce to the benefit of literature in general would be at once agreed to by the University of Dublin. At the same time he was bound to observe on behalf of his Constituents, that they had a peculiar claim to the privilege which the other universities enjoyed, for the law relating to English Copyright was not extended to Ireland until after the passing of the Union, nor was it till then that the University of Dublin came in for its share of the privilege which had been conceded to the other learned bodies, so that the claim of Trinity College was at least as strong as those of the universities in this country; and, therefore, without offering any opposition at present to the proposed Bill, he should decidedly object to any measure which had a tendency to deprive the University of Dublin of any of those rights and privileges which it now enjoyed.

Sir *Robert Inglis* observed, that the course which he should pursue would be guided in a great measure by the suggestion thrown out by the right hon. Gentleman, the Chancellor of the Exchequer, with regard to the principle of compensation. The House of Commons had already recognised that principle in the case of the Aberdeen University, and he supposed that equal justice would be done as regarded the vested rights of the other universities. He was, therefore, not disposed to object to the proposed Bill, providing that it was accompanied by the principle of compensation, reserving to himself, however, the right of opposing such portions of it, when its details were fairly before the House, as he should consider injurious to the interests of his constituents.

Mr. *Arthur Trevor* stated, that after hearing what had been said upon the subject, he would withdraw his opposition to the introduction of the measure.

Mr. *Pryme* was in favour of the motion. Having held an office connected with the library of the University of Cambridge, he could speak with some authority upon the question, as far as it related to that particular place. He had been assured by the librarian of that University, they had a great many books transmitted to them which were not worth a place in the library, and that many works of great value never reached them until a very long period after the time of their publication.

Colonel *Sibthorp* was disposed to give his support to the motion of the hon. Member for Sheffield.

Mr. *Hume* was of opinion, that as a former Parliament first conceded the privilege to the Universities, so any future Parliament might take it away, if its continuance should be found to injure the interests of literature.

Mr. *Baines* hoped the time would never arrive when this country could afford no general depository for literary works; and, he was, therefore, most anxious that some plan should be appointed for that purpose. He was convinced, however, that if the principle laid down by the Chancellor of the Exchequer was attended to, every end would be answered.

Motion agreed to.

GRANDJURYLAWS(IRELAND).] Viscount *Morpeth* moved for leave to bring in a Bill to Consolidate and Amend the Grand Jury Laws in Ireland. He did not think it necessary, upon the present occasion, to go into any full statement of the provisions contemplated by his Bill, but thought it better to leave them for the consideration of hon. Gentlemen when the measure should be brought more fully under the notice of the House.

Mr. *William S. O'Brien* hoped, which he feared would not be the case, that the noble Viscount would introduce into the Grand Jury system of Ireland something of the principle of representation. He trusted the hon. Member for Middlesex would, when the question should again be brought forward, apply his attention to the consideration of the propriety of letting the people have a voice in the appointment of Irish Grand Juries.

Leave was given.

TIPPLING ACT (SCOTLAND).] Mr. *Gillon* said, that in an Act passed in the 42nd year of George 2nd, a clause had been introduced which prevented the recovery of debts contracted for spirituous liquors, when the sum did not amount, at one time, to 20*s*. sterling. The object of this clause had been, no doubt, to protect the health and morals of the people. However this clause might have been suited to the time in which it was passed, it was found in the present day totally inefficient in preventing drunkenness, while it had anything rather than a beneficial tendency on the morals of the people. In fact, to the crime of drunkenness, its tendency was to add fraud and dishonesty. It had also an effect which had never been contemplated by its framers upon the spirit merchants, a class of persons who pursued an honest calling, and were fully as much entitled to protection as any class of his Majesty's subjects. In Scotland, especially, where grocers carried on also the trade of spirit dealers, they were in the habit of supplying families with small quantities from time to time. The purchaser had it in his power to plead the Tippling Act, and to set the honest trader at defiance. He (Mr. Gillon) had in his hand various instances of the most gross frauds committed in this way. He rested his case also on the recommendation of the Commission of Excise Inquiry, who in the second part of the 7th Report observed, "that no benefit can result from the continuance of the Tippling Act to outweigh the strong objections which may be urged against it, from its direct tendency to encourage dishonest dealing, and to interfere with the just rights of the honest trader. We therefore recommend that an early opportunity should be taken to repeal this Act." The hon. Member concluded by moving for leave to bring in a Bill to repeal so much of the 42nd George 2nd, cap. 20, and 6th George 4th, cap. 48, as prevents the recovery of debts for spirituous liquors, when the debt contracted at one time shall not amount to the sum of 20*s*. sterling.

Leave was given to bring in the Bill.

SPIRIT LICENCES (SCOTLAND).] Mr. *Gillon,* in moving for leave to bring in a Bill to alter and amend the Act, 9th George 4th, cap. 58, observed, that according to the present law, persons wishing to carry on the trade of retailers of exciseable liquors in Scotland, were obliged to come annually to the Justices to obtain a fresh certificate. This, especially in country places, was found to be unnecessarily vexatious. He proposed to remedy this defect, and to enact that the holder of a licence, as long as he maintained a good character and remained in the same premises, should be entitled to have it renewed by the Excise, without the recurring annually to the Justices for a fresh certificate. Another reason for this change was the gross partiality frequently exhibited by the Justices in administering the law, and he would point especially to a case which occurred last year in the county of Fife, where an individual named Hugh Beveridge, to whose character the Justices bore the most ample testimony, and yet they deprived him of his licence and his means of living, for no reason but that they said, there were too many public houses in the village in which he resided. The Justices had on this occasion acted in defiance of the spirit, if not the letter of Mr. Home Drummond's Act. The man had been compelled to quit his native place and take up his abode in Cupar. He proposed also to distinguish between beer and spirit licences. At present the holder of a beer licence was entitled to demand from the Excise a licence for the sale of spirits also. He proposed to give to the Magistrates a discretionary power of granting certificates for the sale of ale and beer only; and that in case it was their intention to grant a certificate for the sale of spirits also, the fact of this intention should be specially notified.

Sir *George Clerk* opposed the motion. He had great doubts whether a change in the present system of licensing public houses in Scotland would either be useful or advantageous to the people of that country.

Mr. *Wallace* supported the motion. He said, that the system of licensing in Scotland required not alone revision but alteration, inasmuch as licences were generally granted not for good character but for political partizanship. The hon. Member instanced a case in which an individual was refused a licence by the Magistrates in his (Mr. Wallace's) county, not because he was not a good character, for that point was satisfactorily settled by the certificate of Sir John Maxwell to that effect, but because he was of a liberal way of thinking in political matters.

The *Chancellor of the Exchequer* suggested, that as the whole system of licensing would shortly come under the consideration of the House, it would be better to defer discussion on the subject until then.

Leave given.

EXECUTION OF MURDERERS.] Mr. *Aglionby,* in rising to move for leave to bring in a Bill to repeal so much of the Statutes, 9th George 4th, cap. 31, and 10th George 4th, cap. 34, as relates to the period of the Execution of Persons convicted of Murder, and the Prison Regulations as to Murderers under sentence, observed, that although the subject was one upon which great public interest prevailed, he should best consult the wishes of the House in its present state, by not trespassing upon its attention in enforcing the principle of the measure, which he understood was not to be opposed. The discussion on the Bill, therefore, might well be deferred until the second reading, when he should be prepared to enter into detail on the evils of the present system, and the objects he had in view. He should be enabled to prove from facts and Returns, that the criminal code of this country was not based upon the best principles, and that the severity of the law had failed of the effects which it had been intended to produce. On the contrary, he should show that where the Criminal-law had received some mitigation, the number of commitments and convictions had declined, thereby showing that it was advisable to mitigate still further the severity of the penal code. He must state the course which he had pursued, and which he intended to take with respect to this measure. He had applied to the noble Lord at the head of the Home Department to know when it was likely that the Commissioners at this time inquiring into the state of the Criminal-law would make their Report. The noble Lord had informed him that the Commissioners were now in possession of all the facts necessary to enable them to make up their Report, but that they desired time until after the present term, about the middle of next month, to do so. The House he did not suppose would wish to hasten that Report, and therefore it was, that he asked for leave to bring in this Bill, which was merely to repeal that part of the Statutes which made it obligatory on the Judges to order execution to be done upon persons convicted of murder on the day next but one following the conviction and sentence. He proposed to give instead a period between sentence and execution of not less than fourteen or fifteen days (as in Scotland), nor exceeding twenty-seven days. If he succeeded in accomplishing this object, it would then be necessary to follow up the second part of his notice of motion with a view to alter that part of the Statute which provided, that persons convicted of murder should be kept on bread and water alone, and that no person but the gaoler, except on special order, should be admitted to them. His object was to afford time for further inquiry before the full powers of the law were carried into effect, which under the present system was impossible. In proof of this he need only mention that the learned Judges adopted the practice of trying murder cases on Fridays, by which another day was afforded for that inquiry before the execution of the sentence. With this short explanation, and reserving all discussion till the second reading, he hoped to be allowed to bring in this Bill.

Mr. *Ewart* seconded the motion. The law, as at present, was contrary to the dictates of justice and humanity. No time was allowed for an application on behalf of unhappy individuals convicted of murder for mercy, though cases might be stated where reprieves had arrived after the sentence of the law had been carried into effect.

Mr. Sergeant *Jackson* expressed a hope that the hon. and learned Member would extend the provisions of his Bill to Ireland, where the practice was precisely the same as that which prevailed under the law in this country. He for one felt deeply grateful to the hon. and learned Member for having brought forward a measure which he was satisfied both the interests of justice and humanity demanded. The fact that, even if a conviction took place on erroneous grounds, it was impossible, from the shortness of the time, to appeal for mercy, was in his judgment alone decisive, and ought to induce the House to concur in the motion.

Mr. *Aglionby* would willingly extend the provisions of the Bill to Ireland.

Mr. *Brotherton* supported the motion, and expressed a hope, that at no very distant period, the capital punishments would be abolished altogether. He was convinced that capital punishments did not tend to prevent crime—that they were not consistent with sound policy, and he was satisfied in his own mind that they were contrary to the law of God.

Mr. *Hume* adverted to some facts which he had stated on a former evening, to show that the mitigation and the severity of punishments, and especially capital punishments, had been attended by a reduction in the extent of crime. The hon. Member instanced the case of horse-stealing, for which offence it appeared from the Returns, that, in the five years ending 1829, thirty-seven persons had been executed, out of 990 persons committed, the average number of committals being 198 for each year. For the five years ending 1834, there had been 966 committals, and not one executed, and for the last year, 1835, the number of individuals committed for that offence was 163, being thirty less than the average number of any of the preceding years. Now, the House would be surprised to learn, that in the three years ending 1st December, 1829, no less than 4,622 persons had been committed for trial on charges of burglary, coining, forgery, horse, sheep, and cattle stealing, and larcenies in dwelling-houses, and that of these ninety-six were executed; while for the last three years, ending 1st December, 1835, 4,292 (being 400 less than the former Return) were committed for those offences, and only two persons executed. The other nations of Europe were abolishing capital punishments except in cases of murder, and he thought this country ought not to be the last in the cause of humanity, and in the abolition of exhibitions which tended rather to brutalize than to improve the habits and the feelings of the people. With respect to the motion now before the House, it had his most cordial support.

The *Chancellor of the Exchequer* thought the House generally was agreed upon the principle of the Bill of his hon. and learned Friend, and it might be convenient that he should now state that it had the entire acquiescence of his Majesty's Government. He thought it was hard to deprive persons convicted of murder of an opportunity for that appeal to the Crown which was allowed in all other cases. The proposition of his hon. and learned Friend embodied, as he understood, the adoption of the practice in Scotland—a practice which, since the Porteus trials, had been productive of no mischief. With respect to the mitigation of capital punishments in other cases, though that had been the principle of legislation since the inquiries under his late Friend Sir James Macintosh, he must say, that he could not attribute the diminution of crime entirely to that system of legislation, but rather to the existing state of the country. He would not at present say more, than that he entirely concurred in the motion for the introduction of this Bill.

Mr. *Lennard* said, that, in addition to the evidence which the Returns, quoted by the hon. Member for Middlesex, afforded of the happy effects resulting from a mitigation of the criminal law, he held in his hand Returns showing a similar diminution of crime in the metropolitan district. He would, however, first refer to the Returns from England and Wales, excluding London and Middlesex. By these it appeared that upon the eight circuits there were, for the three years ending 1829, 3,950 committed, and fifty-four executed. For the three years ending 1835, 3,643 were committed, and only one was executed. Thus showing, under a relaxed criminal code, a diminution of 307 committals and fifty-three executions. In London and Middlesex, for the three years ending 1829, there were committed for coining, forgery, horse-stealing, sheep-stealing, and larcenies above *5l.* in dwelling-houses, 672 persons, and of those forty-two were executed; while, in the subsequent years, when those crimes were no longer capital, but secondary punishments substituted, the actual number of these offences fell to 649; it showed, therefore, that though the law had been mitigated, still it had been rendered more efficacious. He tendered his best thanks to the hon. and learned Member for Cockermouth for the introduction of this Bill.

Leave was given to bring in the Bill.

RAILWAYS.] Sir *Harry Verner* moved that an Address be presented to his Majesty, praying his Majesty to appoint a Royal Commission, to whose consideration should be submitted every proposal to construct a railway in any part of Great Britain and Ireland before the introduction of a Bill for the purpose into Parliament. He proposed that the duty of the Commission should be, to report whether every proposed project for making a railroad could be carried into effect. He would also have it distinguished between the *bona fide* projects and mere stock-exchange bubbles. On the whole his object was to favour, not obstruct the construction of railways.

The *Chancellor of the Exchequer* said, that if he felt it his duty to object to the proposition at the present moment, it was not from any indifference to the importance of the question itself, but because this was not the fit time at which to submit it to the House. A Select Committee had been appointed, to whom all these matters had been referred, and it would be better to have the evidence taken before them, as well as their observations upon it, before any decisive course was taken. The question was one of importance, and not to be dealt with lightly. The present proposition would give to the Government greater power over the capital of the country, than he at present thought the House would or ought to confer. He was as anxious as any man to separate the interests of the stock-broker from those of the engineer, and the work from the jobbing; but at present he hoped the hon. Member would withdraw his Motion.

Motion withdrawn.

HOUSE OF LORDS,
Friday, April 29, 1835.

MINUTES.] Petitions presented. By several NOBLE LORDS' from various Places, for the Better Observance of the Sabbath.—By the Earl of RIPON, from Athlone, that Galway may be recommended as the great Western Station for Communication with America.—By Earl GREY, from Pontefract, in favour of the Municipal Corporations' (Ireland) Bill.—By Lord FITZGERALD and VESCI, from Westmeath, for the Reduction of County Taxation.

HOUSE OF COMMONS,

Friday, April 29, 1836.

MINUTES.] Bills. Read a first time:—Church of Ireland. —Read a second time:—West-India Judicature.

Petitions presented. By several MEMBERS, from various Places, for the Better Observance of the Sabbath.—By Mr. HINDLEY, from the Handloom Weavers of Douglas and Tolcross, for the Establishment of a Board of Trade to control their Wages.—By Sir OSWALD MOSLEY, from Derby, against any Grant to the National Board of Education (Ireland).—By Mr. F. SHAW, from various Places, in favour of Excise Licences (Ireland).—By several MEMBERS, from various Places, for an Amelioration of the Criminal Laws.—By Messrs. WILSON and SCHOLEFIELD, from various Places, for a Repeal of the Duty on Fire Insurances.—By several MEMBERS, from various Places, for the Repeal of the Duty on Spirit Licences.—By Mr. MULLINS, from Kerry, for the House to establish the best line of Communication between Dublin and America.—By Mr. BOLLING, from Ross, for Measures to correct the Evils arising from the Establishment of Beer Shops.—By several MEMBERS, from various Places, for the Amendment of the Factories' Act.—By Sir JACOB ASTLEY, from Costessy, to place the County-rate under the Management of a body of Deputies elected by the Ratepayers.—By Mr. FERGUS, from Kirkaldy, to levy a passing Toll on Shipping passing the Coast of Yorkshire.—By several MEMBERS, from various Places, in Support of Mr. BUCKINGHAM'S Claim.—By several MEMBERS, from various Places, for the Repeal of the Duty on Newspapers.—By Sir EDMOND HAYES, from the Legal Profession, Ireland, to examine Practitioners in the Civil Bill Courts previous to legislating on the subject.—By Mr. MARK PHILIPS, from Lyme Regis, for the Repeal of the Duty on bequests for Charitable purposes.—By Mr. BOWES, from Barnard Castle and Gainsford, for Relief.

EAST AND WEST INDIA SUGAR.] Mr. *Grote* said, he had a petition to present, to which he must claim the attention of the House. It was a petition praying for an equalization of the duty on East and West India sugars. It came from a large body of the most respectable merchants in London, and it was signed by fifteen Gentlemen, members of the East India and China Association. The petitioners represented, in strong and forcible terms, the injustice which was inflicted by the discriminating duty, not only on the inhabitants of India, but on the consumers of sugar in this country. He was, for his own part, unable to discover what good reason or policy there was for maintaining such a duty, and he was sure that the time was come when the House must see the propriety of equalizing it. Under the existing duty, the price of sugar had varied in this country during the last year from 22*s.* to 38*s.* per cwt., being a variation of seventy per cent. There was, in fact, no guarantee against an undue rise in the price of the article, except in the encouragement of the importation of it from our possessions in the East Indies, by the removal of the discriminating duty. Whether they considered the injustice suffered by the agriculturists and native producers of sugar in India from this duty, or the effects which the existence of it had upon the price of an article of such general consumption in this country, he thought that they were called upon by every reason of justice, fairness, and policy to abolish it.

Mr. *Ewart* gave his cordial support to the prayer of the petition. Justice should be done to the growers of sugar in India, and the consumers of the article in this country, not by a gradual reduction (for that would be a most unfair proceeding), but by a complete abolition of the discriminating duty.

Mr. *Maclean* hoped, that whenever the matter came before the House, they would also take into consideration the condition of the proprietors in the West Indies, in consequence of the emancipation of the slaves there. He did not mean to say that the duty should not be gradually removed, but he thought that when that was done, restrictions that pressed on the trade in the West Indies should be abolished, as a compensation to the West-India proprietors for the sacrifices they were called upon to make.

Mr. *Mark Philips* must protest against the House and the country being called upon to pay compensation twice over to the West-India proprietors. The time was come when the Legislature must put an end to this most unjust duty. If there was anything in the nature of a restriction that pressed upon the manufacture of sugar in the West Indies, let it be removed, but he must protest against any further compensation to the West-India proprietors. They had had 20,000,000*l.* already for the emancipation of the slaves—a very handsome sum in his opinion, and they should not get a farthing more in any shape or manner.

Petition laid on the Table.

REGISTRATION OF VOTERS.] The House went into a Committee on the Registration of Voters Bill.

On Clause 51 being read,

Mr. *Thomas Duncombe* proposed the insertion of the following proviso: "That where the landlord of any House situate within any city or borough should compound for the payment of poor rates or assessed taxes, the tenant in occupation of such House shall be entitled to be placed on the register of voters for any city or borough wherein the same is situated, notwithstanding he may not have claimed to be rated to the poor rate, provided such landlord shall have paid, on or before the 20th of July, all the poor rates and assessed taxes due in respect to such House previously to the 6th of April then next preceding. Provided also, that such tenant shall have resided in the House for six calendar months next previous to the last day of July in such year, and shall have paid, or be liable to pay, a rental of ten pounds and upwards per annum for the same, in addition to the sum compounded for by the landlord for the poor rate and assessed taxes."

The *Attorney-General* opposed the introduction of the clause, as informal. It should be brought forward as a substantive clause, and not as a proviso.

Mr. *Kemp* supported the clause. Unless some such were introduced many persons having a right to vote would be disfranchised.

Captain *Pechell* took the same view. The clause proposed by the hon. Member for Finsbury would make a difference of 3,000 voters in the Borough which he represented.

The Committee divided on the Amendment; Ayes 38; Noes 135: Majority 97.

List of the Ayes. (*Not official.*)

Angerstein, J.
Barnard, E. G.
Baldwin, Dr.
Bowes, John
Brotherton, Joseph
Berkeley, —.
Brownrigg, John S.
Buller, C.
Butler, Col.
Crawford, S.
Duncombe, T. S.
Ewart, William
Grote, George
Hume, Joseph
Hindley, Charles
Hawes, Benjamin
Hector, J. C.
Kemp, Thomas, R.
Leader, John T.
Molesworth, Sir W.
O'Connell, M.
O'Connell, M. J.
Pechell, Capt.
Pease, Joseph
Pryme, George
Parrott, Jasper
Pattison, James
Power, James
Robinson, George R.
Seale, Col.
Tancred, Henry W.
Thornley, Thomas
Thompson, Col.
Wakley, Thomas
Whalley, Sir S.
Warburton, Henry
Williams, Sir J.
Williams, W.

Clause to stand part of the Bill.

On the 52nd Clause,

Mr. *Pemberton* said, he had heard with the greatest pleasure what had fallen from the Attorney-General, because unquestionably on the same principles his hon. and learned Friend must support him (Mr. Pemberton) in his opposition to the present clause. He (the Attorney-General) had stated that it was no part of the object or principle of the Bill to alter the right of voting, and that its object was to provide a more convenient registration, and to remove any doubts that existed as to the present right of voting. If, therefore, he found that this clause was one which beyond all doubt altered the right of voting, and destroyed existing qualifications, and made new ones, he called upon him (the Attorney-General), in common consistency, whether he approved of this clause or not, to concur with him (Mr. Pemberton) in throwing this clause out of the Bill. The clause stated that doubts existed upon the subject. Now, no doubts did exist, and if they did the clause would not remove them. He wished that either land alone or houses alone should give the right of voting.

Lord *John Russell* said, that the clause was intended to remove doubts which existed, and for the better registration of voters. The framers of the Reform Act were aware that it would become necessary, from time to time, to take measures for the purpose of explaining parts of the Act, and that it would be requisite to apply to Parliament to make amendments in it. The object of the clause was to entitle any person occupying a house, or shed, or tenement, with land attached, to have the value of that land included in the valuation. He could not agree to omit the clause altogether, but he had no objection to put the other one to the sense of the House.

Mr. *Pemberton,* hoped if the noble Lord brought in a Bill to disfranchise these voters, he would also bring in a Bill to disfranchise the 40*s.* voters of Dewsbury.

Sir *James Graham,* said there ought to be a distinct understanding as to the point whether the house of the value of 10*l.* by itself, or a mere shed worth 10*s.*, with annexed land worth 9*l.* 10*s.*, should constitute the qualification.

Mr. *Pemberton* hoped, that if the noble Lord meant to disqualify a number of existing voters, he would not overlook the multitude of faggot voters notoriously created in Huntingdonshire.

Mr. *Charles Buller* said, that he should take the sense of the House as to whether or not dwelling houses shoulds not be excepted from the operation of the clause, because agricultural dwelling houses in particular districts were often estimated at a low value, and it was scarcely possible that fraudulent claims should be advanced with respect to them in the same way as they were put forward with respect to other descriptions of buildings.

Sir *Robert Peel* entered his protest against the clause in the present Bill, because though the claim granted by the Reform Bill of a right to vote for land and tenements held jointly might be liable to abuse, still that was no ground for altering the nature of the qualification, because there were none of the franchises which the Reform Bill conferred that might not be said to have been occasionally abused. He thought it a dangerous precedent to introduce in a Bill for the purpose of consolidating the law relating to registration, a clause which would have the effect of changing the franchise.

Amendment withdrawn, and clause agreed to.

On Clause 57 being proposed,

The *Attorney-General* moved the omission of the third question which the Reform Act enacted should be put to the voter at the poll; and also the insertion of words making the register conclusive evidence on the point of continued qualification. As the law now stood, every voter upon coming to the poll was obliged upon oath, in answer to the third question, to state that the property for which he claimed to vote was the same as that for which he was registered. The effect of that was to disqualify many persons who had, between the time of registry and of going to the poll, removed into a house perhaps of a somewhat higher rent than the one which they had left; or letting off a portion of it, still retaining amply sufficient to qualify him; 'and who could not conscientiously swear that the property they now held was in every respect the same as that for which they registered. Some trifling objection might be raised against the alteration which, after the best consideration, he had proposed as a remedy to the hardship which the existing state of the law imposed upon voters; but he believed they would be more than counterbalanced by the advantage that would result from it.

Mr. *George F. Young* felt it is duty strongly to object to the alteration proposed by the hon. and learned Attorney-General; he had no difference of opinion with the hon. and learned Gentleman as to the necessity of removing any injustice which the present state of the law in some cases might work, but he could not go with him to the extent of expunging the third question altogether, for he believed it would be opening a door to many frauds, which it was the object of those who had inserted that question to prevent.

Mr. *Hume* did not agree with the hon. Member for Teignmouth. As the law now stood, a man possessing property of the annual value of 1,000*l*., and who had between the time of his registry and the poll, sold a small cottage worth probably 10*l*. a year, was disqualified, because unable to answer upon oath to the third question, though possessing perhaps ten times the amount of qualification required by the Act. The amendment proposed by the hon. and learned Gentleman, the Attorney-General, would remove that monstrous injustice; he (Mr. Hume) did not believe it would create any additional facility for fraud, and he should give it his cordial support.

The *Solicitor General* was surprised to find an alteration which would do away with a hardship and injustice, operating equally upon all parties, should have met with any opposition. The hon. Member for Middlesex had pointed out one glaring injustice which it would remove; he (the Solicitor-General) would point out another. He had found, to his personal cost, that the greater portion of the time and expense consumed on Election Committees was consumed in sustaining and combating objections founded on the third question; and all this time and expense would be saved by simply enacting that to persons sufficiently qualified at the registry, and, therefore, in all human probability, likely to continue so up to the time of voting, the registry should be conclusive evidence of their right of voting. He would also observe, that the amendment was only carrying out the evident intention of the framers of the Reform Act; they had almost indeed hit the mark; they had provided, that if you change your residence during the year, you may still register, although the Act requires you should be in occupation for the twelve months next preceding the registry; and you may not have been resident more than two months in the house for which you register. It was clear from this, that the framers of the Reform Act contemplated a *bonâ fide* continuous qualification; and on these grounds he considered the amendment entitled to the reception of the house.

Sir *James Graham* considered the amendment proposed by the hon. and learned Attorney-General as one which would work a great and important alteration in the elective franchise; and, as such, it ought to receive the most serious consideration of the House. The hon. and learned Gentleman, the Attorney-General, had all of a sudden found out the necessity for an alteration, which had not been considered necessary by the framers of the Reform Bill; by the Select Committee to whom the Bill had been referred, by both branches of the Legislature.

through which the Reform Bill had, after long and mature deliberation, triumphantly passed; and even, till lately, by the Government to which the hon. and learned Gentleman belonged. In order that no Member might be debarred an opportunity of stating his opinion upon the alteration proposed, as the House had been taken somewhat by surprise, (no Parliamentary notice having been given) he suggested that the amendment should be postponed to the bringing up of the Report; and that, in the mean time, due notice should be given.

Mr. *Jervis* hoped the House would not consent to postpone the amendment. There was one feature in the existing state of the law which had not been adverted to, viz.—that it excluded just those persons from the franchise whom the House would be most anxious to see in possession of the franchise, and formed no barrier whatever against those whom it would be desirous to exclude. Honest, respectable, and conscientious persons, who would not even in appearance be guilty of deception, were effectually prevented, by the third question, from voting; while low and unprincipled persons, who would not scruple to perjure themselves, were admitted to the poll. It appeared that the only remedy that could be applied to this unjust state of the law was that proposed by the hon. and learned Attorney General, and he should feel it his duty to support it.

Mr. *Strutt* saw no reason for postponing the amendment. It was true, as the right hon. Baronet, the Member for Cumberland, had said, that the alteration proposed had not been considered necessary by the Government and Legislature at the time of the Reform Act. But if since that time Parliament had experienced that necessity of some amendment, surely, they were bound, if they could, to make it. Election Committees had been referred to, and thence a strong argument was to be drawn in favour of the amendment. He (Mr. Strutt) was, last Session, Chairman of an Election Committee, which sat for more than a fortnight; and how was it occupied principally? Why, in deciding objections upon this third question; objections, let it be remembered, that decided nothing as to the merits of the case, and produced no effect in the decision of the Committee, as both sides had generally an equal number of voters struck off on the same grounds. He hoped the Committee would decide in favour of the amendment.

Lord *John Russell* admitted, that the original intention of the framers of the Reform Bill was, that some such question as that now proposed to be omitted, should be inserted; nor was that intention the result of any hasty investigation, but he was bound to say, it was formed after the most careful consideration of the case. At the same time, he had made this distinction between the third question and the second and first; that, whereas, the latter were questions which could not, from their being simple matters of fact, be answered falsely, but willingly, while the former was a question which might possibly mislead a man, involving, as it did, something of legal nicety, as well as plain matter of fact. He did not think it proper to subject a man in the latter case to be subjected to the peril of an oath, which was retained in the other instances. On a reconsideration, however, of the whole subject, with the experience afforded them by the Reform Act, the Government were of opinion that it would be better to have the question at once done away with, and, thus relieving the voter from the hardship and injustice that now pressed upon him, to remove the inconvenience which resulted from the present state of the law.

Sir *James Graham* said, the object of inserting this clause had been first to remove a great practical evil which existed under the old system, viz.—the introduction into the franchise of non-residents, which was carried to an enormous extent, and secondly, to operate as a salutary check upon the 10*l.* franchise, by enforcing a continuous qualification; for though the Act permitted change of residence during the year, before registery it demanded continued occupation of a house, and within the parish, for the required time. The amendment proposed by the hon. and learned Attorney-General would do away with the check, and he begged to vote against it.

The clause as amended was agreed to.

The other clauses were agreed to, and the House resumed.

Bill to be reported.

HOUSE OF LORDS,

Monday, May 2, 1836.

MINUTES.] Bill. Read a third time:—Letter Stealing (Scotland).

Petitions presented. By several NOBLE LORDS, from various Places, for the Better Observance of the Sabbath.—By Earl GREY, from Yarm, in favour of the Municipal Corporations' (Ireland) Bill.—By Lord CLONCURRY, from various Places, for the Abolition of Tithes.—By the Marquess of Clanricarde, from the Grand Jury of Galway, praying for an Alteration of the Law respecting Grand Jury presentments.—By the Earl of Radnor, from Protestant Dissenters of Tiverton, praying for Relief.—By the Marquess of Salisbury, from Clergymen of various Places, for the Better Regulation of Factories.—By the Bishop of Exeter, from various Places, for an Alteration of the Bill so far as regards the granting of Probate of Wills, for Consolidating the Ecclesiastical Courts.—By Lord Dacre, from Gentlemen of Worcestershire, for an Alteration in the New Poor Laws.

Constabulary Force (Ireland.)] Lord *Duncannon* moved the Order of the Day for the House to go into Committee upon the Constabulary (Ireland) Bill.

The Earl of *Roden* was anxious to take the earliest opportunity of addressing their Lordships, in consequence of his having been unavoidably absent during the discussion of the second reading of this measure, which appeared to him most objectiontionable in its principle, as well as dangerous in the details by which it was to be worked out. He would undertake to say, there never was known, certainly within his recollection, to be proposed to Parliament as a permanent law, which gave all at once such immense patronage to the Government, and which was so unconstitutional in its doctrines, and arbitrary in its enactments, as the Bill now upon the table of the House. He conceived it was totally unnecessary, from the circumstances to which it was intended to apply, and would be most dangerous even under any circumstances in which the country could be placed; for he could not help seeing in the whole spirit of the measure an attempt to cast a stigma and an unmerited censure upon as valuable, as independent, and as honest a class of men as were to be found in any country whatsoever—he meant the resident gentry and unpaid magistracy of Ireland. He protested, in their name, as well as in his own, against the provisions of this measure, and he implored the House to consider well, and at all events to pause before they further assented to this measure, either in principle or detail. It would be no argument in answer to his objections to this measure, to be told by his Majesty's Ministers that at former periods Bills of coercion and measures of harshness, fully as strong, and equally objectionable, had been introduced into Parliament, and had also become the law of the land; but noble Lords would remember that these measures were temporary; were to meet a particular crisis; were to extend over particular districts; and were to be removed when the necessity of the case might cease; but here you have a permanent measure not confined to one part or any particular object, but extending its operations over the peaceable province of Ulster as fully and as expensively as over the disturbed districts of Leinster and Munster. You have a power given to the executive unlimited and uncontrolled, to burden the people with taxation for the objects of this Bill, according to the caprice, it might be, but certainly according to the will, of the Lord-Lieutenant. It would be no answer to his (Lord Roden's) objections to this measure to be told that it was not the intention of his Majesty's Government to exercise these powers to the full extent which they sought for in this Bill. That might be or might not be, and however noble Lords now in office might think their minds made up as to the use they would make of these powers, give him leave to say his Majesty's Ministers were not so much their own masters as to be certain of their own future acts. He could not forget that they must be swayed sometimes by the pressure from without—sometimes from the spirit of the age, and at all times, as it respected the Government of Ireland, by the dictates or commands of that Romish faction in that country, which seemed to be the pivot on which they turned. He could not but unite in the general feeling of the resident and respectable gentry of Ireland, who felt as strongly as he did that no confidence was to be placed in his Majesty's Government in that country; therefore, they could not trust such tremendous powers, as were proposed in this Bill, to the Lord-Lieutenant of Ireland. He felt he had a right to argue upon this measure as it appeared before them now on the table, and not as it might or might not be altered by noble Lords opposite in Committee, he would consider it, as it came from the House of Commons, a specimen of the consistent legislation of his Majesty's Attorney-General for Ireland. He would, therefore, take the liberty of examining its features, and he found, first of all an enormous patronage of various offices of different grades, descriptions, and value, but all subservient to the nomination of the Lord-Lieutenant. He found a power given to the executive to appoint 143 magistrates, at a salary of 400*l*. a-year each. He was told this was to be limited, but he was speaking of the Bill sent up by the Attorney-General for Ireland. He knew not whether it was the intention, by this power of making so many magistrates, finally to supersede the unpaid and independent magistrates of the country, who lived in the most difficult times, and under the most painful and arduous circumstances, often thanklessly, but always fearlessly and honestly discharging the functions of their important office. He found in this Bill the Lord-Lieutenant of Ireland constituted into a very autocrat, little less powerful than the Emperor of all the Russias himself; for, was it to be believed, and one could scarcely credit such legislation, were it not in black and white on their Lordships' table—power is given to the Lord-Lieutenant to raise a standing army of any indefinite number of men, without any application to Parliament, without any sanction of the Privy Council, without any representation of any body of persons with the magistracy, the grand jury, or any functionary whatever, as to the necessity of such augmentation—and he found further power given in this Bill to the Lord-Lieutenant to pay this army one moiety out of the Consolidated fund, and the other moiety by what is called a presentment made by the grand jury; whether they will or not, they are bound to assess these counties for the amount demanded by the autocrat; and to add to the injustice of the whole, this Bill deprives the magistracy of the power they now possess in recommending individual constables who are to fill up the police from the most respectable, and most useful, and trustworthy individuals in their counties. It was true that in some counties the magistracy had handed over the choice of the constables to the inspectors, but that was no argument why the power still being reserved by the magistracy was not a useful and salutary control to insure the important and faithful discharge of the inspector's duty in the selection he may make. This Bill, necessarily increasing the expenditure for this establishment, lays a double tax upon the landed interest of the country; whilst all classes of individuals, both in the towns and in the manufacturing districts, are to derive equal benefit from the protection given under this Bill. But the landed interest alone is to contribute to its support in its double capacity—first, as paying its quota to the consolidated fund, and then its moiety of the whole in the grand jury presentment that is to be made; and to add still more to the injustice of the proceeding, the grand juries of the counties are to have no control over the expenditure of this assessment; nor are they to have a voice as to the necessity of the numbers of that police for which they are bound to pay. Call this a grand jury presentment!! It would be much more convenient, instead of troubling the grand jury, that the autocrat of Ireland, whoever he may be, should send his commands to the judge, to order forthwith the payment of the sum required for his troops. The whole of the measure seemed to him to be based upon patronage, injustice, and arbitrary power, inconsistent with the British Constitution, and uncalled for by the circumstances of the country Bad as was the state of Ireland—and nothing could be more deplorable than the situation of the King's loyal Protestant subjects—nothing could surpass the persecution and the sufferings they endured; and not only the Protestants, but those peaceable, quiet, and well-disposed Roman Catholics, who would not bow to the system of terror that was enforced under the machinations of a priesthood who were endeavouring to enslave the nation — he thought the present Police Bill, as a general system, worked well; and he would say, there never was a body of men to whom the country was under a deeper debt of gratitude. In extraordinary cases, and under peculiar difficulties, they were the preservers of the Peace Preservation Bill, which he conceived was fully adequate, in connexion with the common law of the land, if duly and honestly exercised, to meet any emergency that might occur. He could not conceive how any amendment could be made to this Bill, which could deprive this measure of its unconstitutional character, or alter its dangerous complexion. It was indeed a proof to him of those constitutional principles which influenced the mind of its authors. It was a fair specimen of those *pares leges* which this House had heard so much about in former debates. All he could say was this, and he would leave it to the judgment of any unbiassed man to decide, whether if it were possible to find a minister who would have the temerity and folly to propose such a law for England as a permanent measure, whether the cry throughout the land, from the Land's End to John O'Grote's house, would not be — *Nolumus leges Angliæ mutari.* He was sure if his noble Friend, the noble Duke (Wellington) when he was in office, had ventured such a measure in all its bearings on the country, there is no language of condemnation which would have been found too strong—there was no charge of ambition which would not have been vehemently urged against him. The partisans of that violent party from without, who now act in concert with noble Lords opposite, would not have hesitated to denounce the noble Duke in the public press, and at their Radical meetings, as attempting not only to alter the succession to the throne, as they maliciously, falsely, and wickedly, have laid to the charge of the late loyal Orange Society of Ireland, but they would have declared, that it was the ultimate intention of the noble Duke to place King Arthur on that throne (pointing to the throne) which rightfully belongs to King William. He protested against the Bill as a gross act of injustice to his country, as unnecessary for the circumstances to which it would apply—as laying on the people an additional burden of taxation, for the sake of patronage, which they are little able to afford. He protested against giving such power to any man, be he who he may. We are living in times of great change—we know not who may be called on to rule over the destinies of the country—we know not into whose hands such tremendous powers as are given in this Bill may fall. In the name of the Protestants of Ireland he protested against the measure. In the name of those Roman Catholics of Ireland who desired peace, and who were not under the sway of the tyranny that prevailed, he lifted up his voice against this Bill. It was inconsistent with the doctrines of a free Government—it was decidedly opposed to those most valuable principles of the British Constitution. He should say not content to further proceeding with this measure.

Viscount *Melbourne* did not wish to detain their Lordships from going into Committee on this measure; but, accustomed as he was, and as the House was, to the loud and hostile tone of the noble Lord—accustomed as he was to his confident assertions and gross exaggerations—he could not, at the same time, avoid expressing his surprise at the tone, manner, style, and tenour of the speech of the noble Earl on this occasion. If their Lordships were not acquainted with this measure, he would ask them, would they not suppose, after the speech of the noble Earl, that he was going to introduce some new and wholly unheard of measure?—that he was going to sanction a power before unknown to the Constitution?—that he was going to establish in Ireland a system that was totally and entirely new—that he was going to make some severe law perpetual, which had been established for a temporary purpose? Ministers contemplated no such thing, and he must, therefore, beg leave to deny all the assertions of the noble Earl. He denied that the measure was introduced for the purpose of increasing patronage—he denied that it would add materially to the expense of the present system of police in Ireland. The Bill would give no greater powers to the Government than they had at present the opportunity of exercising. Every man knew the nature of the establishment of police in that country—every man knew that it was called for by the peculiar circumstances of that country. The noble Earl had given his distinct approbation to one of those Acts which was connected with the police of Ireland—the Peace Preservation Bill. Now, all those powers which the noble Earl had attacked, as being contained in the present Bill, were also to be found in that very measure. It gave the power to the Lord-Lieutenant, with the advice of the Privy Council, to increase the police force in any part of the country—it enabled him, with the advice of the Privy Council, to send into any place where it might be deemed necessary, any number of police that he might think proper, and to charge on the country the payment of that force, exactly in the manner now complained of by the noble Earl, and represented by him as a dangerous, unconstitutional, and oppressive novelty. Ministers having embodied the provisions of that Act in the present Bill, he did think that it was a most unjustifiable mode of proceeding, for the noble Earl to represent a measure consolidating others, and introducing certain ameliorations and amendments, as an unjust measure, thus endeavouring to create a hostile impression against those whom he thought proper to attack, as the supporters of an oppressive measure, unknown to the proceedings of former Parliaments, and contrary to the spirit and practice of the Constitution. The noble Earl had repeated those hackneyed taunts about giving way to the pressure from without, the spirit of the age, and the subserviency to a party. He, however, upon these points would meet the noble Earl with the most decided denial. And he would ask their Lordships, did they mean, in order to conciliate Ireland—in order to maintain the warm and friendly feeling of Ireland—in order to conciliate and secure the affection of Ireland—did they mean to lay it down as a principle, that for the purpose of effecting such an object no Government should receive their confidence—no Government should receive their support, or be looked upon with favour, unless it was visited by the inveterate opposition of the representatives of that part of the United Kingdom to which the Bill related? Was that what noble Lords opposite demanded? Was it right that such a feeling should prevail? If so, he did not think that those who had such an opinion acted wisely or prudently, or in accordance with the language which they were constantly holding, as to the necessity of consolidating and cementing the Union between the two parts of the empire.

The Earl of *Wicklow* expected, when the noble Viscount rose to answer his noble Friend, that he would have given some explanation on the part of his Majesty's Government to justify them for bringing forward this Bill. He expected that the noble Viscount would have taken that course, instead of making an intemperate attack on the majority of their Lordships' House. When the Bill was first before them, it was admitted by noble Lords opposite, and by all, that the police of Ireland was a most useful and efficient force. He had heard no objection urged against that body—he had heard no necessity stated for the total change which was now contemplated in that body. At the present moment, one would suppose that Ministers had sufficient Irish business on their hands. They came forward with a measure respecting the Irish Church—respecting tithes—respecting Municipal Corporations. They proposed to effect improvements in the law of the country on these points, with reference to all of which it was admitted that reforms were necessary. That, however, was not enough; and they came down with a measure to alter a system which was at present in full operation, and with which no fault had been found. He conceived it to be a gratuitous insult to the magistracy and gentry of the country. He did, therefore, expect, that the noble Viscount would have given the House and the country some reason why it was deemed necessary to introduce such a measure now. At the present moment, he could see no legitimate or proper reason for bringing it forward at all. Looking to the evidence, on the subject of the police force, which was given some years ago before a Committee of the House of Commons by a gentleman whom he did not much respect, though, no doubt, the noble Viscount did, he found a few questions and answers which were very much in point, and which he would read to the House. The witness was asked, "Are you acquainted with the mode in which the police in your county are appointed, and how they perform their duty?" And the answer was, "The Magistrates kept to themselves the nomination of the police, and I never heard the least complaint of any outrage committed by them." [Viscount *Melbourne:* Whose evidence is that?] The next question put to the witness was this:—"Do you know whether the majority are Catholics or Protestants?—I believe in my county the majority are Catholics." [Viscount *Melbourne:* To whom does that evidence apply.] He was asked whose evidence this was, and he replied, it is that of the master of his Majesty's Ministers. The measure was, in fact, contrary to the avowed sentiments of those who introduced it, contrary to the constitutional principles of this country, and certainly had excited his most unfeigned surprise. In what the noble Viscount said, as to the present Bill only conferring on the Lord-Lieutenant the same power that he now possessed, the noble Viscount confounded the Police Act of Ireland with the Peace Preservation Act. It was quite true that, under the Peace Preservation Act, the Lord-Lieutenant had very great additional power, but then that power was only granted in case of rebellion or dangerous disturbance. That was not the fact with respect to this Bill. Were they, he would ask, to consider the country in a state of permanent rebellion? If Ministers wished them, by this Bill, so to consider it, then they had not done their duty, for in that case they should have brought forward measures even stronger than this. But the contrary was the fact, and a measure was wanted to meet the circumstances of a country where disturbance prevailed, but which was not in a state of rebellion. But the noble Viscount's speech, short as it was, showed to him that the noble Viscount did not understand the measure which he had brought forward. It therefore behoved their Lordships to look carefully to the Bills which Ministers introduced, and in the present instance they should adopt such safeguards and provisions as would prevent a Bill of so tyrannical a nature from operating injuriously.

The Duke of *Wellington* was surprised to hear the noble Viscount assert, that this Bill was no more than a repetition of the Peace Preservation Act. Let their Lordships look at the Peace Preservation Act, and then examine this Bill. The Peace Preservation Act was the 54th of George 3d, c. 131, and by it the Lord-Lieutenant "is empowered, by and with the advice of the Privy Council, to proclaim any county, city, town, &c., in a state of disturbance, and to appoint one chief police magistrate for every such county, city, town, barony, half-barony, &c., that may be disturbed, and may remove him from one county, &c., to another, as necessity may require." [Viscount *Melbourne:* The Lord-Lieutenant might send them to any barony.] But in the first instance it was necessary that the district should be proclaimed to be in a disturbed state. But the clause in the present Bill, empowered the Lord-Lieutenant to appoint chief or other constables, and it was as follows:—

> "And be it enacted, that it shall be lawful for the Lord-Lieutenant, or other chief Governor, or Governors of Ireland, to appoint, from time to time, at his will and pleasure, in and for each county, county of a city, county of a town, town and liberties in Ireland, except the said county of the city of Dublin, such number of chief constables, head constables, constables, and sub-constables, as may be deemed by him or them to be necessary and sufficient for the preservation of the peace therein, and from time to time, as to him or them shall seem fit, to dismiss any such chief or other constable or sub-constable, and upon any vacancy in any of the said offices by death, removal, or otherwise, to appoint some other fit and able person to fill the same; and all such chief and other constables shall have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities as any constable duly appointed now has or hereafter may have, either by the common law or by virtue of any statute now or hereafter to be in force in Ireland, but shall be guided in the performance of such duties according to the rules and regulations to be made as hereinbefore provided."

He was one of those who were willing to go into Committee on the measure to amend it, as he conceived it ought to be amended, and to grant to his Majesty's Government such powers, and such powers only, as they ought to have, with reference to this subject. But to give to the Lord-Lieutenant of Ireland, or any other officer, the power mentioned in this clause, as his noble Friend had described it, of raising as many men as he pleased, half the expense to be paid out of the consolidated fund, and half out of the grand jury cess, he never would consent to. It was a power which ought not to be intrusted to any officer, and so far as he could prevent it, it never should be.

Lord *Hatherton* said, that the noble Lord who had spoken last but one had been pleased to observe, that the Government who proposed this Bill had offered no justification or even explanation of its enactments. Now, not only since he had been honoured by being a member of their Lordships' House, but ever since he had been connected with the affairs of Ireland, had he heard of the principles of this Police Bill. Since the year 1822, when it was first introduced, had he continually heard of it, without its having received any alteration whatever, through every succeeding Government to the present day. It had been prepared in the first instance under the Marquess of Anglesey, and had received the approbation of Lord Stanley. It should be understood that he was now speaking of its principles. It had also been prepared during the administration of the Marquess Wellesley. He was not certain whether it had been submitted to the noble Lord (Haddington), who was the last Lord-Lieutenant of Ireland; but he had heard that it had been, and that that noble Lord had given his sanction to it. In point of fact, it could scarcely be said, that the present Bill contained a single principle which was not recognized in all those which had preceded it, and which had been sanctioned by every successive Government. He would detain the House no longer, because he thought that the whole of the observations which had been made by noble Lords at the other side of the House related more to the details than the principles of the Bill.

The Marquess of *Londonderry* had received communications from various quarters in Ireland, complaining that the Bill now before the House was of a most objectionable nature, and likely to afford a great deal of dissatisfaction. He could not but feel convinced, looking at the general nature of the Bill, and viewing in particular this circumstance, that no less a sum than 37,000*l.* was to be expended for the staff alone, that it would form an instrument in the hands of Government for the distribution of patronage and other purposes. Having no confidence in the patronage of the Lord-Lieutenant, from the manner in which he had seen it exercised with reference to the appointment of stipendiary magistrates and assistant-barristers, he could not give his support to the Bill in any shape whatsoever. A very excellent and gallant officer, Colonel Shaw Kennedy, had been named for the office of Inspector-General, and to such an appointment no one could object; but how long would he be continued in that situation? He should say, that, looking at the appointments made by the present Government since they came into office—looking to their nomination of Mr. Fogarty to an assistant barristership, and Mr. Gore Jones to the office of stipendiary magistrate, he did not know but that in six weeks Mr. Maurice O'Connell might be appointed head of the police in Ireland. Having no confidence in the Government, he should protest against any such Bill passing into a law.

The Marquess of *Clanricarde* protested against the mode of arguing a subject adopted by the noble Marquess opposite. Of Mr. Fogarty he knew nothing; but this he must say, that the appointment of that gentleman to be an assistant barrister had nothing to do with this question. And then as to Mr. Grove Jones, he, of his personal knowledge, was able to state this, that Mr. Grove Jones was not appointed by the present Government; that he was now a police magistrate for five or six years. It was not becoming in that House to refer to individual cases, or to make comparisons. He did not see why the name of Mr. Maurice O'Connell ought to be introduced into this subject. He had not the honour of Mr. Maurice O'Connell's acquaintance, nor did he know any reason why he could not be a proper inspector of police; neither could he perceive that the nomination of that gentleman would be an improper one, if he should be appointed. That was not a course of argument that he would consider as proper, becoming, or seemly, upon any question in that House.

The Earl of *Haddington*, in reference to what had fallen from the noble Lord (Hatherton), begged to say, that during the very short period of his administration in Ireland the question of any large measure respecting the police force of that country had never been entertained by him; but he at the same time had no doubt, that if the Government then in office had been continued, a measure of the kind would have been submitted for his consideration. With regard to the Bills of Lords Anglesey and Wellesley, which the noble Lord (Hatherton) had said differed nothing in principle from that now before the House, he could assert that nothing could be more dissimilar; and if that were the case, he should be glad to know which of them it was, that the present Bill resembled? He would not say, "Not content"; he was for going into Committee, because he was anxious to have preserved whatever portion of the measure their Lordships should deem necessary for the peace of the country.

The Earl of *Winchilsea* observed, that there was a wide difference between the statement of the noble Lord (Hatherton) opposite, who had asserted that the present was only some former measure again brought forward; and the recollection of his noble Friend (Haddington), who had declared that it was altogether new to him and to the House. For his own part, he would never consent to intrust such powers as were conferred by the present Bill on the Lord-Lieutenant to any individual. Under this measure the Lord-Lieutenant would have the uncontrolled power of raising an unlimited number of men under the name of public constables, and also of taxing the Irish counties to any amount. These powers ought not to be intrusted by the Parliament to any man. Upon the ground that he hoped the Bill would undergo very considerable amendment, he would not oppose the motion for going into Committee.

Lord *Gort* was opposed to the Bill. He would take that occasion to refer to the taxation of Limerick, which he declared, in its present state, was beneficial to a noble Marquess opposite. The Government had altered all things, and established "a piebald education, in which every book was included except the Bible."

The Marquess of *Lansdowne* said, that the observations made by the noble Baron tended to convert the present discussion into one of a piebald character, inasmuch as nothing that had been said by the noble Baron had any reference whatever to the measure before the House. He should not detain the House to correct the errors of the noble Lord, for they had nothing to do with the present Bill.

Lord *Cloncurry* contended that the Bill before their Lordships differed very little in principle from the Act which had been so long in existence for the regulation of the constabulary force of Ireland. Under the Bill before their Lordships the expense would not be greater than existed at present, and the advantage would be that the force would be better managed, inasmuch as it would be officered by persons more qualified to perform the duties to be intrusted to them. Originally the constables were chosen from among old soldiers, but an alteration in that respect took place some years ago by taking a portion of the force from the sons of the cess-payers, but for some reason or other, best known to the

Magistrates themselves, they delegated this power of selection to the sub-inspectors; and in some parts of Ireland, particularly in the north, the selection was made in a manner which gave it the appearance of party. The consequence was, that great ill will was the result in those parts of the country where these proceedings took place. After that period such was the state of things that the army were actually let loose upon the people. The right hon. Baronet who now led the opposition in the other House of Parliament, who, to his honour, when Secretary for Ireland, did avery thing in his power to improve the condition of that country, brought in a Bill, which passed the Legislature, adopting a new description of police force for Ireland. They were called "Peelers," and were distributed through the disturbed districts, and were told, that when the disturbances ceased, their pay and emoluments would cease also. And yet these were the people who were to be relied upon to give information as to when the disturbances did actually cease. Such was the system pursued at the time to which he referred. He contended that it was only the ill treatment which Ireland had received from successive Governments which rendered the present measure necessary.

The House then resolved itself into Committee.

The first clause was agreed to.

On the second clause being put from the chair, which enacts, that "Visiting magistrates, inspectors, constables, &c., are to continue until it is notified in the *Dublin Gazette* that a constabulary force is fully organized according to this Act."

Lord *Ellenborough* proposed to add to it a proviso. By this clause the present constabulary force was to continue in existence only until the new was ready to act. It was admitted that it was not intended to remove any members of the present constabulary force, unless they had been guilty of misconduct. He wished that the tenure of their office might be the same under the new Bill as under the old, and that the members of the constabulary force might not be removed, save by some act of the Government. He therefore proposed to add a proviso to the clause to this effect, "that all constables and sub-constables acting under this Act should also be entitled to act under the new Act, without any fresh warrant from the Lord-Lieutenant.

The clause so amended to stand part of the Bill.

On the fourth clause, which gives power to the Lord-Lieutenant to make "rules, orders, and regulations for the general government of the several persons to be appointed under this Act, as well with respect to the places of their residence, their classification, rank, and particular services, the extent and limit of their respective duties, and their conduct and proceedings in the performance thereof, or of any duties imposed on them by law, their distribution and inspection, as to the description of the arms, accoutrements," &c.

Lord *Ellenborough* said that the amendment which he was going to propose upon this clause was one to which he wished to call the particular attention of their Lordships. Whoever had drawn up this clause had evidently had in his view a similar clause in 'the Metropolitan Police Act. There were, however, certain words which were not in that Act, interpolated into this clause. The object of that clause appeared to be to give the Lord-Lieutenant power to make general regulations for the government of the police force. To that there could be no objection, but at a recent trial it had been held by the law officers of the Crown, that the power given to the Lord-Lieutenant by statute to regulate the police, overruled the common law of the land, and the effect of certain words in this clause would be to give colour to that assumption of the law-officers of the Crown, which had been repudiated by all the judges; he would, therefore, make this clause identical with that of the Metropolitan Police Act, by expunging from it the following words:—"the extent and limit of their respective duties, and their conduct and proceedings at the office thereof, or of any duties imposed on them by law."

Viscount *Duncannon* objected to the omission of these words, as they were most important to the object of the Bill. If their Lordships would take upon themselves the responsibility of all the bloodshed which might occur from the mismanagement of the police when withdrawn from the control of the Lord-Lieutenant, he would consent to the erasure of these words from the Bill.

The Earl of *Wicklow* was glad that the object of this Bill was at last avowed. It was to rob the courts of law and his Majesty's subjects in Ireland of the protection to which they were now entitled by the common law. Up to that moment he had not been aware that Government entertained any such insidious intention as was now avowed; he hoped that his noble Friend would persist in his amendment, for a more dangerous and unconstitutional provision could not be introduced into any act of legislation.

Viscount *Duncannon* said, that the object of the clause was entirely misrepresented by the noble Lord. These words were inserted solely for the regulation and government of the police. He likewise added, that when the power for which the noble Lords opposite were contending was given to the Court of Exchequer in Ireland, it was a power which enabled them to call out, not an armed police, but an unarmed body of constables.

The Earl of *Haddington* had objected to these words on the second reading of the Bill, and nothing that he had since heard had altered his objections. If his Majesty's Government wished by these words to give the Lord-Lieutenant of Ireland power to override the common law, let them say so openly and manfully, and give the House the power of deciding whether they would support them in so unconstitutional a proposition.

The Earl of *Winchilsea* protested against leaving the life, liberty, and property of every man in Ireland at the mercy of one individual. It was not to be borne that none of the courts of Justice in Ireland should be able to execute their writs without leave from the Lord-Lieutenant. The Court of Exchequer had shown that it had not only the power but also the courage to enforce its process. If that court had not acted with energy and decision, neither life nor property would have been safe in Ireland. Let the country know that the object of this clause was to deprive the courts of justice of all power of executing their writs, and so leave them utterly at the mercy of the Lord-Lieutenant. He hoped their Lordships would reject with scorn this unconstitutional proposition.

The Marquess of *Clanricarde* said, that the words of the clause would not make that difference in the construction of the Act which was contended for by the noble Lords opposite.

The Earl of *Harrowby* hoped that the words of which his noble Friend proposed the omission would rouse the House to an extraordinary degree of diligence. Their Lordships were bound to look at the manner in which his Majesty's Government had introduced into a measure which they admitted to be of no great importance, words which, though apparently so simple, effected so mighty a change in the law. Those words would do no more nor less than this—they would set aside a solemn decision of the Court of Exchequer in Ireland of vast importance and magnitude. There was so little to alarm in these words, that one branch of the Legislature had not discovered the meaning couched under them. If the Government intended to set aside the power which was at present given by the common law to the courts of justice, let them not hide the policy under a bushel, let them hold a candle to it and say, "These are the principles upon which we intend to govern Ireland." He hoped their Lordships would look at every clause and syllable of this Bill with the utmost suspicion and caution, after finding the conduct of Government so very slippery upon the commencement of it.

The Marquess of *Clanricarde* denied that there had been any intention on the part of Government to conceal from the country the object of this Bill. The Bill had long been printed and in the hands of hon. Members, and these words had not escaped notice in the Commons; he had himself conversed with a Member of that House respecting them, and from that conversation he believed the House of Commons to have been perfectly aware of the effect which they would produce. The House of Commons thought the words of no importance, and had passed the clause with the words in it. Their Lordships would do injustice to the Lord Lieutenant of Ireland, by taking the control of the police force out of his hands if they struck them out.

Lord *Ellenborough* said, that the object of the Bill was to place in the hands of the Lord-Lieutenant a more efficient instrument for the preservation of the peace; to that he had no objection. The object of the Bill was not to give the Lord-Lieutenant greater power than before to wield that instrument. If it were proposed to give the Lord-Lieutenant such power, he would refuse it.

Viscount *Duncannon:* If these words be left out, the omission will prevent the Lord Lieutenant from making proper rules for the regulation and guidance of the police, and will enable any attorney or common bailiff to call out the police, not only without the presence of a magistrate, but also without any necessity for their interference.

The Duke of *Wellington* felt, that if it were not proper that the constabulary force should be employed in the execution of writs issuing from the courts of justice, it was incumbent on the Government to introduce a Bill preventing the courts of justice from so employing the constabulary force; but so long as there were constables, he thought that the courts of justice should have the power of employing them in the execution of their processes, and at any rate that the power should not be taken away by words introduced as these were.

Viscount *Melbourne* must be allowed to say, in reference to the observations which had fallen from the noble Earl (the Earl of Harrowby), that when expressions were bitter, it was no extenuation of their bitterness to say, that they were delivered calmly and coolly. That did not render them more soothing to the feelings of the parties to whom they were addressed, nor more creditable to the feelings of those from whom they issued. Notwithstanding the taunts of the noble Lord, there was no other object in this clause than to give the Lord-Lieutenant power to make regulations for the government of the police force. Whether these words affected the jurisdiction of the courts of justice was a matter, at any rate, open to dispute. The object of the clause was, not to invest the Lord-Lieutenant with any power which he had not before possessed. The clause was followed by another, containing a long enumeration of those points to which the Lord-Lieutenant's power of regulating the police was to extend, and he had no power to make any rules for anything not enumerated therein. It was quite impossible that these words could give the Lord-Lieutenant control over the common law. The omission of them was not of that importance for which the noble Lord contended, nor was their presence capable of affecting the decisions of any court of justice. Some inconvenience might arise from their omission, as the omission would imply that the Lord-Lieutenant would not make a proper use of the powers intrusted to him.

Lord *Abinger* was understood to say, that without throwing the slightest imputation upon any one until after the Bill had been read a first time, he was not aware that there was any provision which could bear such a construction as had been put upon the one now under discussion. He had not thought it possible that a matter of such importance should have been allowed to pass the other House without observation, especially as of late "equal laws for England and Ireland" had been such a favourite topic. Here, then, was a deviation from the English Bill; and what was the purpose of that deviation? He had not, in the first instance, supposed that power was given to make any rules inconsistent with law; but when he found the words " or of any duties imposed on them by law" all doubt was at an end; here was an express provision, giving most distinctly a power superior to the law—a power to free the police force from that authority which the courts of justice, under the common law, possessed over it. So long as the civil law or cannon law remained in force, such a proceeding could not be sanctioned. If they proclaimed military law, then it might be all very well to deprive the civil courts of their power. The effect of the provision would clearly be, that though the courts of justice might continue, they would yet be deprived of all authority if the Lord-Lieutenant only chose to make such an order. The King himself had no power like that; he could not prevent the enforcement of a writ of rebellion, or a writ of equity; and would their Lordships then intrust such a power to the Lord-Lieutenant of Ireland? In England such a proposition would be at once rejected, as a violation of all liberty. He should decidedly support the amendment.

The Earl of *Ripon* said, that the words of the ninth clause threw considerable light upon the words now proposed to be omitted. They were to this effect:—"All such chief and other constables shall have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities, as any constable duly appointed now has, or hereafter may have, either by the common law, or by virtue of any statute now or hereafter to be in force in Ireland." If the clause stopped there, all might be well, but then came these words, which might seem to exempt them from the operation of the powers of the courts of justice—" but shall be guided in the performance of such duties according to the rules and regulations to be made as hereinbefore provided." He thought that on account of the termination of this clause their Lordships ought not to leave in the fourth clause words which were liable to so dangerous an interpretation.

Lord *Ellenborough* had intended to call the attention of their Lordships to these words in the 9th clause, when that clause came regularly under discussion; that clause was also copied from the Metropolitan Police Act, and there was the same interpolation in it that there was in the present clause.

The Earl of *Wicklow* said, that when their Lordships recollected that the Attorney-General, who contended for the assumption that the police were not bound to obey or to execute the writs of the courts of justice, was the same person who had introduced this Bill into the other House of Parliament, there could be little or no doubt what the object of this clause was.

Lord *Cloncurry* observed, that the police rules and regulations, which had been in existence, for the last ten years prevented the constabulary force from executing any civil bill process, and from interfering in any pecuniary suits, save for the recovery of wages and from interfering in the collection of tithes.

The *Lord Chancellor* observed, that as a writ of error had been lodged against the decision of the Irish Court of Exchequer, he would not now refer to that subject, but wait until the proper period for discussing it had arrived. He begged to observe, that whatever doubts might be entertained as to the effect of the language of this clause, there could be none as to the fact that the Bill contained a provision for rendering it the duty of the constables to be appointed under it to act in conformity, not merely with this Bill, but with the existing law. This provision, therefore, confirmed to the courts of law all their existing powers.

Lord *Wynford* wished to know, whether the rules and regulations prescribed by the Lord-Lieutenant were to be binding on the police; and, if they were, whether they were to be equally binding with the law of the land. If it were intended to take away from the courts of justice the power of employing the police in their ordinary writs, it ought to be openly done, and not to be obscured and mystified as it was in this clause. The Lord-Lieutenant had monstrous power given him by the other clauses of this Bill, and might enlarge that power still further if he chose to adopt the construction which these words naturally bore. Nothing could, in his opinion, be more dangerous than to unite in the same person the power of executing and expounding the law.

Words expunged, and clause as amended agreed to.

On the 5th clause, giving to the Lord-Lieutenant the power of appointing two inspectors of police in the counties of Cork, Tipperary, and Galway, and one in every other county, county of a city, and county of a town, except the county of the city of Dublin,

Lord *Ellenborough* said, that by the law as it now stood, the Government could appoint four inspectors, one for each province, and between these and the chief constables there was no officer whatever. The present Bill proposed to appoint an inspector-general, two deputies, forty-two inspectors, and forty-two sub-inspectors. The appointment of so many officers gave to the force a totally different character from that which it had now. It was at present essentially a civil force, and it was impossible, from the inadequate number of officers, to employ it in a military capacity. With respect to the question, whether the salary of the inspector should be 500*l.* or 250*l.* a-year, he thought it expedient that it should be fixed at the latter sum. He considered that this would be an adequate remuneration, especially as 70*l.* a-year was allowed for age, and as the inspectors were allowed by this Bill to receive half-pay if they were entitled to it, which had not been permitted under any former measure. Then came the question, whether it was necessary to have inspectors at all? He thought it was proper that officers should be appointed to see that the sub-inspectors in command of the police force performed their duties faithfully, and that each should have the charge of an extensive district of the country. In his opinion, four persons would be sufficient to overlook the force, and to maintain it in a state of efficiency. He thought, that if this proposition were adopted, they would be doing all that could be fairly and reasonably asked by his Majesty's Government. Beyond this they were not at liberty to go; they could not create officers for any purpose but that of increasing the utility and efficiency of the force. The noble Lord moved an amendment to the effect, that the Lord-Lieutenant should have power to appoint four persons to be county inspectors of the police force, to be sent from one district to another, as the exigencies of the public service may require.

Amendment agreed to, and clause agreed to.

On clause 9, which empowers the Lord-Lieutenant to appoint as many chief and other constables as may be deemed necessary for the preservation of the peace,

The Earl of *Roden* objected to the appointment of the sub-constables being taken out of the hands of the magistrates, and transferred to the Lord-Lieutenant.

Lord *Ellenborough* thought that the

Government ought to have the power of naming a chief constable, and a sufficient number of constables, in cities and towns, without the intervention of three magistrates, as was required by law at present. He should move an amendment to the effect, that the Lord-Lieutenant should have the power of naming a chief constable, and any number of constables and sub-constables, not exceeding 100, in all counties of cities, and counties of towns.

Viscount *Duncannon* had no objection to the amendment.

The clause as amended was agreed to.

The remaining clauses of the Bill were also agreed to.

The House resumed and the Bill to be reported.

HOUSE OF COMMONS,

Monday, May 2, 1836.

MINUTES.] Bills. Read a first time:—Spirituous Liquors' Sale; Spirit Licences' (Scotland).

Petitions presented. By Mr. EATON, from the Guardians of the Newmarket Union, for the Extension of the Time for the Repayment of the Money advanced for building Workhouses.—By Mr. THOMAS GLADSTONE and Mr. FLEMING, from Leicester and Portsmouth, for the Repeal of the Duty on Spirit Licences.—By Mr. THOMAS GLADSTONE and Mr. CHALMERS, from Leicester and Paisley, for the Repeal of the Duty on Fire Insurances.—By Sir ROBERT PRICE and Sir RONALD FERGUSSON, from Hertford and Nottingham, for the Revision of the Criminal Code.—By Mr. ROBINSON, from the Medical Practitioners of Worcester, Complaining of the Inadequacy of their Payments for Attending Paupers; and from the Attorneys of Worcester, for the Repeal of the Duty on their Certificates.—By Mr. ROBERT WALLACE, from Edinburgh, for adopting Measures to Expedite the Royal Mail to that Place.—By several MEMBERS, from various Places, against the Salmon Fisheries (Scotland).—By several MEMBERS, from various Places, against the Tithe Commutation Bill.—By several MEMBERS, from various Places, for the Repeal of the Duty on Newspapers.—By several MEMBERS, from various Places, for the Better Observance of the Sabbath.—By Mr. HINDLEY, from Warrington, for the Amendment of the Factories' Act.—By Mr. BROTHERTON, from various Places, for Exempting Building Societies from the operation of the Stamp Duties' Bill.—By Mr. PARROT, from St. Ives and St. Mawes, to exempt Fish from Tithe. —By Major FANCOURT, from Nairn, for the Abolition of Corporal Punishment in the Army and Navy.—By Mr. ROBINSON, from Glasgow, for the Repeal of the Duty on Marine Insurances.—By Mr. SHARMAN CRAWFORD, from various Places, for the Municipal Corporations' (Ireland); and from St. Paul, Dublin, Blackheath, and Ballindaggin, for the Abolition of Tithes.—By Mr. SHARMAN CRAWFORD, from Dublin, for the introduction of Poor Laws into Ireland; and from Idrone West and Patrick Nowlan, for Inquiry into the Case of the Carlow Election; and from Raheen, Complaining of the Conduct of the Revising Barristers, and praying for their Removal.—By Mr. THOMAS DUNCOMBE, from various Places, for Inquiry into the Case of Lieutenant Colonel Bradley.

CHURCH RATES.] Lord *Stanley*, seeing the noble Lord, the Secretary for the Home Department, in his place, begged to claim his attention for a very short time in asking a question. He had that morning received a communication from a parish in Lancashire, from which it appeared that some extensive alterations or improvements were contemplated by the authorities in respect to the parish church; but they could only carry this work into effect by mortgaging the church rates. He, therefore, wished to ask the noble Lord to give the House some information as to whether it was the intention of his Majesty's Government to bring forward a measure respecting Church-rates? and whether in such case care would be taken in such Bill to secure the validity of all existing arrangements under the present law?

Lord *John Russell* said, he had certainly given the House to understand that a measure in regard to Church-rates would be brought forward in the course of the ensuing Session. As his noble Friend had put this question, he would take that occasion to state to him and to the House, at what time and under what circumstances he proposed to bring forward the case. It would be recollected that on a former occasion, when a resolution was introduced which went to propose the abolition of Church-rates, it was strongly resisted, on the ground that the House were not fully informed of the actual amount of property held by the Church, and that it was not proper for the House to proceed to provide a substitute for Church-rates in the absence of such full and adequate information. He did not share in that opinion, but he did think it quite necessary that the question with respect to the appropriation of the Church revenues, according to the recommendation of the Commissioners, should be settled before they proceeded to deal with the question of Church-rates; because, if the House should agree with him in the opinion that the revenues of the church were barely sufficient for the religious instruction of the people, they would then have a ground upon which they might proceed. He would say, however, that his view of the matter, with regard to what were grievances, was, that in framing any measure bearing reference to Church regulations, the question ought to be considered as one affecting not a particular class, but the whole community. He had prepared two measures bearing on the subject of registration of marriages, &c., and he should consider it would be ineffectual to attempt to settle the question of Church-rates unless he were first prepared to settle that of registration of marriages, &c. Therefore, the answer which he had to suggest to the noble Lord was this—that he did intend to bring forward, in the present Session of Parliament, a measure affecting Church-rates; but that his doing so must depend on the House joining with him in the opinion that the Church revenues should be disposed of in a manner conformable to the recommendations contained in the Report of the Commissioners; and that there should be a disposition on the part of the House to relieve all the prominent grievances of the Dissenters. He did not know that he need say further with regard to existing engagements contracted under the present law, because, certainly, all such contracts must be respected. The noble Lord concluded by moving the Order of the Day for the House resolving itself into a Committee on the Report on the Tithes Commutation Bill.

COMMUTATION OF TITHES (ENGLAND).] On the question that the Speaker do leave the Chair,

Sir *George Sinclair* observed, that there were two problems connected with this Bill, of which he should be glad to receive a solution from his Majesty's Ministers. He wished, in the first place, to know whether they intended to introduce into its provisions a clause for appropriating the surplus revenues of the Church of England, beyond what was necessary for pastoral superintendence, to secular purposes. The Churches of England and Ireland were brought into a state of intimate and indissoluble connexion by the treaty of Union, and if once a graduated scale of clerical income, and a maximum of clerical emolument, were carried in the one case, it could not fail to be introduced in the other. To apply a different rule to the two Churches, was an act of grievous injustice towards the Protestants of Ireland, and a violation of the promise held out to them at the period of this Union. In order to insure the success of that compact it was necessary to hold out certain advantages to each of the great parties into which Ireland was divided. To the Roman Catholics it was represented, that as they constituted a majority of the Irish population, it would be incompatible with the security of Protestantism to give them eligibility in a separate Irish legislature, where their numerical preponderance would enable them to overthrow the Protestant Church; but that, if they agreed to the Union, they would form a minority of the aggregate population in the two countries, and might, with less danger to the Constitution, be rendered eligible to the Parliament of the United Kingdom. The Protestants, on the other hand, were reminded, that they formed a small minority in Ireland, and that their Church would be constantly exposed to the assaults of active, powerful, and implacable enemies; but that, if the Union took place, the two Establishments would be consolidated into one, and the Irish Church would derive the full benefit of security and protection from becoming amalgamated and identified with the Church of England. It seems, however, that his Majesty's Ministers pay no regard to such considerations; they altogether separate the two Churches in their legislative enactments; they truckle to the English branch of the Church because it is powerful—they trample upon the Irish branch because it is weak. They leave the Roman Catholics in full possession of the civil privileges which they were led to expect as a consequence of the Union, but they deprive the Protestants of the chief benefit which they anticipated from the same enactment. He wished, in the next place, to be informed, why the Bill regarding English tithes had obtained priority of the measure which was intended to settle the same question in Ireland? Surely, the latter object was the first in urgency, without being inferior in importance. One might infer, from the arrangement adopted, that England was in a state of ferment on the subject of tithes—that the time of the English Court of Exchequer was engrossed day after day by the issue of writs of rebellion—that you seldom took up an English newspaper without learning that some clergyman or tithe-proctor had been waylaid or assassinated—that public meetings had been held at Belturbet and all the principal cities in Ireland for the relief of the suffering English Ministers of the Gospel, and that the Archbishop of Canterbury's chief employment was, to express his gratitude, and that of the Clergy over which he so worthily presides, for the liberal contributions of their prosperous and unmolested brethren in Ireland. We know that circumstances are exactly reversed. The Church of Ireland is like a house actually on fire, *ardet Ucalegon*, and his Majesty's Ministers, the official firemen of the state, hurry helter-skelter with their buckets and engines to drench with superfluous water an adjoining building, which the flames have not yet reached, and leave the burning edifice to its fate. It is true that they have at last produced an Irish Tithe Bill; they have screwed their courage to the sticking point, after putting off the evil day as long as it could decently be postponed. But clogged as it is with its most obnoxious provision in a still more objectionable form, they know that it can never be sanctioned by the House of Lords, and they quail before the prospect of the fate which awaits it there. If they had intended to act a manly and resolute part, the Irish Tithe Bill would have been brought forward at the earliest period of the present Session, and sent up with as little delay as possible to another place. If its doom was then sealed by the consistent intrepidity of the House of Lords, they might have said to the Royal Master whom they have the honour to serve, "Sir, we are convinced, and we have frequently declared in public, that the immediate settlement of the tithe question is essential to the well-being of Ireland, and to the safety of the Protestant Clergy. We cannot abandon the Appropriation Clause, without sinking to the very nadir of political meanness and degradation; and as the adjustment admits of no delay, we must either obtain leave from your Majesty to create an adequate number of Peers for carrying our Tithe Bill through the House of Lords, or we must resign our places to other advisers, who may try to adjust the question upon a different basis." This would, in his opinion, have been an honest and straightforward course—whilst that of his Majesty's Ministers had been evasive and equivocal. These are not times for sanctioning half-measures, or paltering with great principles, and he was persuaded, that the policy of his Majesty's Ministers on this subject would be reprobated throughout the country.

Mr. *Parrott* wished to address a few words to the House. It did appear to him that they were about to legislate upon this question without sufficient information upon it; and therefore, as it also appeared to him, they were firing a random shot. He hoped, however, that the noble Lord would allow a Commission to inquire into the state of tithes, and the practice in reference thereto, in different counties; and that they should get such ample information as they had in the case of the Poor Law Bill. Without this the House would only legislate in the dark. This Bill, if passed into a law, would inflict grievous injury on the payers of tithes, and therefore he would suggest to the noble Lord (though he would not divide the House upon it) the propriety of delaying this measure, if he should be satisfied that such was the feeling of the majority of the House. He was satisfied that if this Bill were carried into effect in the way proposed, it would raise the value of tithes from twenty to thirty per cent. more than they were at present. He believed that in Cornwall and other counties this would be the result; and he felt bound to tell the noble Lord, that if he raised the value of tithes beyond their present amount, it would be considered a most serious injury to the country. He felt equally bound to tell the noble Lord, that in the county with which he was connected the people were all in a ferment. He had himself presented forty-seven petitions against the Bill from different parishes in Devonshire, and this must show the state of feeling in that country. If the noble Lord persisted in this measure, he would drive every Whig in Devonshire and Cornwall from him.

Mr. *Chichester* said, that in the north of Devonshire there was a strong wish to see this question settled. If the House delayed this measure till another Session, they would find themselves in the same predicament as they had been placed in with reference to Irish tithes.

Mr. *Hume* had stated on a former occasion the objection which he saw to the measure, and which objection he had urged upon the noble Lord, and it was this, that owing to the existence of the corn-laws the value of land in this country had acquired an unnatural height. The more he considered this matter the more convinced was he that there could be no fair settlement of the tithe question until the corn-laws should be abolished.

Mr. *Blamire* thought that the hon. Member for Middlesex had not applied himself to the proposition of the noble Lord, to fix the commutation with an average price of corn for seven years. Therefore the corn-laws had nothing to do with the question. In the year 1771 a parish with which he was unacquainted commuted their tithes for a fixed corn rent; and the Vicar in that parish now received only 2*l.* more than was paid to the Vicar in 1771; the price of wheat having been then taken at 4*s.* 6*d.* the Winchester bushel, and the average taken this year was only 4*s.* 6¾*d.*

The House went into a Committee on the first clause.

Lord *John Russell* thought it would be better to go through the clauses regularly; and the Committee would then be able to judge more correctly of the measure as a whole. He wished the Committee to take the Bill clause by clause. With respect to any alterations, he had only to say, that if the proposals which had been made by the Member for Somersetshire should be rejected he would afterwards introduce clauses to meet special cases which had been submitted for consideration, such as giving the discretionary power to the Commissioners to value the tithe at from fifty to sixty per cent of the estimated value.

Mr. *Pemberton* was quite sure that any hon. Gentleman who compared this Bill as it then stood with what it was when it last left the Committee, would find that it differed materially from its former self. He believed that, from the first clause to the last, there was not a single one which remained unaltered—there was not a single portion of the machinery which had not been changed. He did not think it reasonable to suppose that hon. Gentlemen who were not lawyers should compare the Bill clause by clause; but it was not unreasonable to suppose that those who had voted for the second reading of the Bill should, when their attention was drawn to the fact, be ready to examine the alterations which had been made. In the Bill as it had passed the Committee, commutation was to have been either by agreement between the tithe owner and the land-owner, or by compulsion when they could not agree. If compulsion were introduced, that compulsion ought to be general, or the whole arrangement ought to be purely voluntary. On the former occasion, the Solicitor-General had dissented from every point he (Mr. Pemberton) had urged and from every argument he had used; but it seemed that the hon. and learned Member did not possess the confidence of Ministers so much as himself, because the very principle then denounced as obnoxious had now found its way into the Bill. Compulsion was now generally adopted. [Lord *John Russell*—I so stated.] He admitted it, but the Solicitor-General had argued against it. In fact, the measure was so little the same, that the supporters of Government were now called upon to vote for the very measure which on a former night they had repudiated. The provision relating to individual agreements had been entirely abandoned. As the measure now stood, the apportionment of tithe was to be made with reference to a principle not very distinctly expressed—the rate of the value of produce, which left the matter in a state of uncertainty. There was also this anomaly in the proposed Bill. It imposed a higher rate of commutation with respect to all lands on which hops were now grown, and it did not provide if this crop should be discontinued for a proportionably diminished payment in lieu of tithes; but it stated, that there should not be any higher charge levied on those lands which though not at present under hop-cultivation, might hereafter be subjected to that kind of tillage. Now, if it were just that no diminished charge should be made when hops ceased to be cultivated, it was equally just that upon lands being brought into a more profitable cultivation they should become liable to a higher rate of commutation. By the first Bill the Commissioners were made an independent body, because, though they were appointed by different authorities, they could not be removed without the consent of both. But by this Bill the Crown had the power of removing the Commissioners appointed by it, and the Archbishop of Canterbury was invested with the same right. There were again changes made in the Bill with regard to the distribution of patronage. By the measure as it originally stood, the Commissioners had the appointment of Secretaries and Assistant Commissioners; but in its present shape, the Bill transferred the power of nomination to these important offices from the Commissioners to the Secretary of State. Now it would appear, with respect to the principle on which the compulsion was to be carried into operation, in the machinery by which the commutation was to be effected, as well as the individuals who were to have the management of that machinery, in every point, both in the principle and details of the measure, as it was originally brought forward, the most extensive alterations had been made. He did not complain of the rate at which it was proposed that the commutation should be effected. On the contrary, he considered it perfectly fair, and that the Government acted with great justice when they determined upon it; but he could not help regretting that this measure did not embrace some scheme of the nature of that which the noble Lord, the

Secretary of State promised to bring forward at some future time—he meant a plan for the absolute redemption of tithes. However desirable it might be to have the present Bill carried, he was of opinion that it could never be satisfactory until absolute redemption of tithes was established for the commutation which it was now sought to establish.

Lord *John Russell* could not understand the meaning of the speech of the hon. and learned Gentleman who had just sat down, unless it was intended to convey a reproach against the Government of having taken advantage of the suggestions of many hon. Members in order to improve the Bill then under consideration. If such were the intention of the hon. and learned Gentleman, all he could say was, that the Government never desired to arrogate the vain credit of having produced a Bill which required no alteration, and which was at once perfect for the object it was meant to answer, but their wish was to frame such a measure as would work favourably and satisfactorily for the country. Therefore, whether they had the credit of proposing the clauses of this measure originally, or whether they had adopted the clauses and recommendations which were suggested by others, they had pursued a course which was equally conducive to their purpose; and he was ready to take the shame, if it were a shame, of having yielded to the hon. and learned Gentleman, by embodying one of those alterations which the hon. and learned Gentleman had proposed, and which he agreed with the hon. and learned Gentleman in thinking was a good and useful one. He did not think there would be any advantage whatever in arguing in favour of the propriety of retaining certain clauses, by laying it down as a principle that, no matter what provisions were introduced into the measure by the Government, no matter how mischievous they might be proved to be, they were still determined to persist in them. There was scarcely one of the alterations which the hon. and learned Gentleman had commented upon that he had not given notice of proposing. He would refer to one or two of them. With respect to individual agreements, that was looked upon by him as a question the settlement of which was left open for consideration; and with respect to the mode of effecting a compulsory agreement, he stated, in answer to the hon. Member for the University of Cambridge, that the provision giving individuals the power of enforcing a compulsory agreement as to their own particular property, was one of the propriety of which he was the least confident. He did not see what more he could have said to indicate his intention of accepting such an alteration as that which was eventually made. The hon. and learned Gentleman had also noticed the alteration in this Bill by which it was intended that the Crown should have the power of removing the two Commissioners nominated by it, and that the Archbishop of Canterbury should have the same power as to the removal of the Commissioner appointed by him. Now, on reading the first clause of the former Bill, he said that he did not then mean to propose such an alteration as that which was made in this respect in the amended Bill, but he did not hesitate to express his preference of the clause contained in the Bill of the right hon. Baronet, the Member for Tamworth. The noble Lord concluded by expressing a hope that the House would not for the future consider the Government deserving of obloquy because they were willing to adopt suggestions enforced by such able arguments as those which the hon. and learned Gentleman had used.

Mr. *Charles Buller* said, that it was with great regret that he had allowed the Bill, without opposition, to go into Committee at all, because he was so opposed to the principle on which the Bill was founded, that it appeared to him a mere waste of the time of the House to sanction the Bill in any shape whatever. However, as it was the duty of every Member to make the Bill as perfect as possible, he should object to the first clause. It was objectionable to intrust the appointment of one Commissioner to the Archbishop of Canterbury as reputed head of the Church. The King was the real head of the Church, and should have the appointment. Besides, the Archbishop was not a responsible person, as the Ministers of the King were. Another objection was, that the landowners were not represented in the Commission. The Church had a protection in the Archbishop's Commissioner, but the lay impropriators, a large body, had none.

Mr. *Hume* thought the objections urged by his hon. Friend, the Member for Liskeard, were quite apposite, and he was of opinion that they were worthy the attention of the noble Lord on the Treasury bench.

Clause agreed to, as were the clauses up to the 11th inclusive.

On clause 12th,

Sir *Matthew White Ridley* said, that

according to the wording of this clause, he was afraid that the Bill, which he believed it was honestly intended should refer to every species of tithe, would not include all small tithes, or personal tithes. He hoped, therefore, that the noble Lord would introduce an amendment which would have the effect of including small tithes.

Mr. *Thomas Duncombe* hoped the hon. Baronet would persevere in his intention, for he confessed he found it difficult to understand clearly the extent to which the Bill before the House went. They had never yet had a fair discussion of the principle of the Bill, and he would defy any hon. Gentleman to say what was the general feeling of the House upon it. Persons out of the House asked him if he was aware what sort of a measure they were about to give their sanction to, and characterized it as a most advantageous one for the tithe-owners, for by its means one-fifth of every man's property would go into the hands of the great lay and ecclesiastical impropriators. The principle of the Bill was altogether lost sight of. It left vicarial tithes untouched, and small and personal tithes, such as pressed most heavily upon the poor man, were not brought, as it appeared to him, under its provisions. It was not calculated to fulfil the intention of restoring harmony and allaying heartburnings throughout the country, and he trusted the hon. Baronet would move a specific amendment upon the clause under discussion.

The *Solicitor-General* did not consider the Bill was so framed as to merit such strong language on the part of the hon. Member for Finsbury. He maintained that it did get rid of vicarial tithes, and of all small tithes, with the exception of some personal and mixed tithes, and those on fish. If it did not get rid of those particular tithes, it was because a measure like the present was considered inapplicable to them. He had himself a personal experience of the onerous nature of tithes upon fish, derived from the place which he had the honour of representing. But tithes of such a description could not evidently be affected by a measure commuting tithes into a rent-charge.

Mr. *Benett* said, it was an undoubted fact that tithes taken in kind, did, on an average, amount to one-fifth part of the property from which they were to be deducted.

Sir *Robert H. Inglis* agreed with the hon. Member for Finsbury that the principle of the Bill required to be debated still. He was one of those who thought the existing system in regard to tithes was much better than any other which could be substituted in its place; and, with that conviction strong in his mind, he should take the earliest opportunity of affording the House means of coming to a decision on the proposition. The right of tithes was anterior to any other in the country; and every landholder in the kingdom held his land upon the terms of paying a certain portion of the value to another person. It was a short-sighted policy of the landholder to set himself in opposition to the Church, or to wish to deprive it of any portion of its rights or property for his own advantage; it was a short-sighted policy, for it afforded a precedent which might be applied to himself on a future occasion.

Mr. *Gilbert Heathcote* suggested, that as the understanding at the onset was that the Bill should be permitted to pass through Committee without obstruction, it would be quite as well to defer all debate on it until another opportunity should be afforded.

Mr. *Estcourt* proposed the addition of the words " all uncommuted tithes," after the words " hereinafter mentioned."

Sir *Robert Peel* said, that in lines 36 and 37 the word " tithes" was defined to mean and include all uncommuted tithes, portions, and parcels of tithes, and all moduses, compositions, real, prescriptive, and customary payments." Now, there were many parishes entirely covered by moduses, and as the Bill as it stood would affect this species of composition as well as all others, he wished to know if it was so intended, or if the moduses which existed were to be left untouched? If they were to be disturbed he considered it would be unjust.

Viscount *Howick* referred the right hon. Baronet to the 36th clause of the Bill for the information he required. He would then find all cases involving moduses, and prescriptive and customary payments, provided for.

Sir *Robert Peel* had already referred to that clause previous to putting the question, but he could find no satisfactory solution of the difficulty. He suggested, that to meet it the words " provided all moduses, or prescriptive and customary payments, should not be disturbed," should be added to the clause.

Amendment withdrawn, and clause agreed to. The remainder of the clauses were agreed to, with amendments.

The House resumed—Committee to sit again.

HOUSE OF LORDS,

Tuesday, May 3, 1836.

MINUTES.] Petitions presented. By the Earl of BANDON and Lord HOLLAND, from various Places, for the Better Observance of the Sabbath.—By the Duke of CLEVELAND, from Sunderland, for the Municipal Corporations' Act Amendment Bill.—By Lord HOLLAND, from Tiverton, Complaining of Distress, and praying for Relief.—By Lord DENMAN, from Wexford, against the Punishment of Death for any Crime but Murder; and from Lostwithiel, in favour of Mr. BUCKINGHAM's Claim to Compensation.

PRIVATE COMMITTEES — PRINTING EVIDENCE.] Lord *Wharncliffe*, adverting to the practice of printing the evidence taken before Committees, suggested that the expense of printing evidence taken on private Bills ought not to fall upon the public.

The Marquess of *Lansdowne* thought that it would be highly desirable that some general and definite arrangement should be adopted with reference to this subject.

The Duke of *Wellington* thought that as this evidence was printed for the use of the House, it ought to be printed at the expense of the House. The evidence was not printed for the convenience of parties, but for the convenience of the House, and he did not think that private parties ought to be called on to pay the expense of printing under such circumstances.

The Duke of *Cumberland* said, the printing the evidence was ordered entirely for their Lordships' convenience, and he therefore thought it ought to be done at the public expense.

Lord *Wharncliffe* said, that if they were determined to have this evidence printed at the expense of the House they ought not to feel surprised at having to pay a heavy bill at the end of the Session, for the expense of printing matters of this nature would be considerable. At the same time, if that were their Lordships' opinion he should move that the evidence on the Hull and Selby Railway case be printed.—Ordered.

THE CLARENCE RAILWAY.] The Marquess of *Londonderry* rose for the purpose of putting a question to the noble Marquess opposite (Lansdowne), and he trusted that he would be afforded the information which he sought. In the peculiar situation in which he stood he thought he had a right to know from his Majesty's Government what intentions they had respecting the money which had been advanced in the support of some of those numerous railway speculations which were now before the public. He wished to be informed by the noble Lord what chance there existed of realising the money which had been advanced by the Exchequer Loan Commissioners to the projectors of the Clarence Railway? He had received a letter from a most respectable party in the north, an extract from which, referring to the Clarence Railway, he would read for their Lordships. It was to the following effect:—"The Clarence are dying. They depend on a Bill now in Parliament. Government will lose the major part of the money. The London stock-jobbers and Jews are trying a desperate game. If they get the Bill it is to be amended next year, and taken to Hartlepool from Walviston-lane. They oppose the South Durham going to Hartlepool, wanting that line to stop at the Clarence, and travel down it. One amendment is wanted next year to go through Sir R. Edwin's plantations and freehold land, near his house; one of the shareholders say so. Where they may end nobody can tell. It is a London job, and puffed up to job on, and cheat the unwary. Look at the state of the company—nearly all their works are standing still. They undertook to make two or three branches, which they have not yet begun, and never will. They took the Durham people in with pretending to go to Durham, and never meant it. Let them make their branches." He would next refer to another document, which he held in his hand, relating to the same subject. It purported to be a minute of the proceedings of a special general meeting of the proprietors of the Clarence Railway Company, held on Tuesday, the 8th of March, 1836, at the George and Vulture Tavern, St. Michael's-alley, Cornhill, London. At this meeting forty-five gentlemen attended, most of them, if not all, belonging to the city of London. At this meeting the secretary read two letters from Mr. Brickwood, secretary to the commissioners for the loan of Exchequer Bills, of the 18th ult. and the 5th instant; the former calling the attention of the Committee to the arrear of principal and interest due to the Commissioners, the latter stating that unless the Company could show a decided prospect of realising the funds necessary for the entire completion of the railway, and carrying on a productive traffic within a reasonable period, the Commissioners would feel compelled to take such measures as would be most effectual to recover the public money advanced. He wished to know whether the Government had followed up this application from the Exchequer Loan Commissioners? The noble Lord opposite was bound to state what the chances of recovering this money were. If the Exchequer Loan Commissioners went so far as to take the concern into their own possession for the payment of this money it was worth their serious consideration how far encouragement was given in that way to stock-jobbing and fraudulent speculations. He wished the Government would be explicit on the subject, in order that the public should be made acquainted with the chances that existed of recovering the money that had been advanced in aid of these speculations.

The Duke of *Cleveland* felt bound to make an observation after what had fallen from the noble Marquess opposite. He had taken a part in the Committee in favour of this railway when it was first projected. He had no personal concern whatever in the railway, but he had felt at the time that it held out a fair prospect of being a profitable concern to the projectors as well as of being useful to the public. He understood that this railroad was not succeeding; and he was bound to say, in justice to the noble Marquess opposite, that he had opposed it from the outset. However, though the main line might not be successful, he (the Duke of Cleveland) understood that several of the branches of the Clarence railway would yield a profitable return. With respect to the proposed continuation of the line to Hartlepool, to which line the noble Marquess had alluded, he thought that would be important in a national point of view. Hartlepool might hereafter become an important port; besides, the carrying on the line to Hartlepool and improving the harbour there would afford great advantages in the supply of coal to the city of London.

The Marquess of *Lansdowne* had no local knowledge whatsoever of that part of the country which had been referred to, neither did he possess any official information on the subject to which the observations of the noble Marquess applied. The Commissioners of the Exchequer loans were acting under the authority of an Act of Parliament, and were responsible for their acts. He presumed that they had not acted without due caution, and that they had obtained sufficient security for the money they had advanced. The Act of Parliament under which their powers were defined entitled them to come and ask the opinion of his Majesty's Government whenever any difficulty or doubt should arise to render it necessary for them to do so. They had not come to ask any opinion from the Government on this subject, and he presumed that they felt it unnecessary. Having made the advances he was quite sure they would take the most effectual means to secure the repayment of the money; and if they thought that the interests of the public would be best secured by taking the concern into their own hands he had no doubt that they would do so.

The Marquess of *Londonderry* would not make any further observations upon the subject. He differed in the opinion which the noble Duke had expressed with respect to the advantage of establishing a harbour at Hartlepool. The object could not be effected without the expenditure of an immense sum of money, and at the end it would never realise the expectations that had been formed of it. He had brought the subject forward with a view of exposing to the country the system of stock-jobbing which was going on, particularly in the county of Durham, in speculations in railways.

HOUSE OF COMMONS,

Tuesday May 3, 1836.

MINUTES.] Bills. Read a third time:—Insolvent Debtors' (Ireland); Instruments of Sasine (Scotland); Turnpike Road (Scotland).

Petitions presented. By Mr. BARNARD and Sir WILLIAM FOLKES, from various Places, for the Repeal of the Duty on Newspapers.—By Sir WILLIAM FOLKES, from Norfolk, for Provision in the Tithes' Commutation Bill relative to the Fen Lands in the Bedford Level.—By several MEMBERS, from various Places, for the Better Observance of the Sabbath.—By Mr. POTTER, from Honiton, against the Lord's Day Bill.—By Mr. ELWES and other HON. MEMBERS, from various Places, for Inquiry into Agricultural Distress.—By Lord HENNIKER, from the Lords of Manors in Suffolk and Norfolk, against Copyholds, Manorial Boundaries, and Escheats Bill.—By Mr. W. MILES, from the Owners of Ecclesiastical Property in Somersetshire, against the Ecclesiastical Leases' Bill.—By several HON. MEMBERS, from various Places, against the Bishopric of Durham Bill.—By the ATTORNEY-GENERAL and Lord STANLEY, from the Licensed Vendors of Spirits in various Places, for the Repeal of the Duty on Licences.—By Major C. BRUCE, from Inverness, Complaining of the Expense incurred by Alimenting Prisoners after Condemnation.—By Colonel SEAL, from Brixham, for the Repeal of the Horse-tax.—By Mr. BROTHERTON, from

Preston, for the Amendment of the Factories' Act.—By Mr. INGHAM, from the Parish Clerks of Newcastle-upon-Tyne, for Provision for their Support in the Marriages Bill.—By Mr. INGHAM and Mr. CLAY, from North and South Shields, for a Law Regulating the Construction of Merchant Shipping.—By Mr. WOOD and Dr. BALDWIN, from Whitehaven and Cork, for the Repeal of the Duty on Marine Insurances.—By Dr. BALDWIN and Mr. SHARMAN CRAWFORD, from various Places, for the Abolition of Tithes (Ireland); and from various other Places, for the Alteration of Bankrupts' (Ireland) Bill.—By Sir ROBERT PRICE, from Ross, in favour of Mr. BUCKINGHAM's Claim.—By Mr. PEASE, from the Provident Society, Fetter Lane, for the Repeal of the Friendly Society's Act.—By Mr. ROBERT WALLACE, from Owners of Works on the River Esk, against the Salmon Fisheries (Scotland) Bill, Complaining of Distress; and from the Merchants of Edinburgh, for the Acceleration of the Mail to that Place.—By Dr. BALDWIN, from Cork, praying the House not to sanction the grinding of Foreign Corn in this Kingdom.—By Lord GRANVILLE SOMERSET, from Newport, Monmouth, for the Suppression of Beer Shops.—By Mr. CHARLES ROSS, from Northampton, for the Repeal of the Duty on Fire Insurances.—By Lord ROBERT GROSVENOR, from Chester, against transferring the Business of the Local Courts to London.—By the ATTORNEY-GENERAL, from the Company of Merchants, Edinburgh, for the Reduction of the Stamp Duties.—By Lord Viscount CLEMENTS, from various Places, for the Speedy Completion of the Shannon Navigation.

LAW COMMISSIONERS (SCOTLAND).] Lord *Stanley* said, that he rose to present the petition of a gentleman with whom he had no manner of acquaintance, but who, it appeared, feeling himself aggrieved by a statement made in the 11th Report of the Scotch Law Commissioners, was anxious, for the purpose of clearing his character, to bring the matter before the House. It was the petition of Mr. Alexander Peterkin, who had been appointed, in the year 1814, Sheriff Substitute for the Orkneys, and was removed from that office by the Sheriff of Bute, in the year 1824. The petitioner stated, that subsequently to that period the Scotch Law Commissioners of Inquiry having, in the course of their inquiries, adverted to the power thus exercised by Sheriffs in Scotland, they had stated in their Report made to the House, that there had been two instances of the exercise of such power of recent date, but that it appearing that they had been perfectly warranted, the Commissioners did not feel called upon to interfere in the matter. The petitioner stated, that his dismissal was one of those instances, and that it would seem, from the wording of the passage referred to in the Report of the Commissioners, that it had been a dismissal warranted by the facts of the case. Now, so far was the petitioner from acquiescing in the decision of the Sheriff of Bute, that he had in 1824 commenced legal proceedings against him, which proceedings were now nearly being brought to a close. The petitioner felt it a hardship that this part of the Report of the Commissioners should go forth to the public in such a shape as to cast an imputation on his character. He stated the petitioner had in private received from the Scotch Law Commissioners an assurance that was somewhat at variance with their Report. They admitted, that in his case no imputation attached to his character; that they had made no special inquiry into the facts of his case, though they had stated in their Report that on inquiry they found that his dismissal was warranted, and that they merely intended to convey, by that statement, that the Sheriff of Bute possessed the power which he had exercised. Now, no one disputed that; but the expression used certainly did seem to intimate that there was something in the case of the petitioner. The fact was not so, and the petitioner was therefore anxious to set Parliament and the public right upon the subject.

The *Lord Advocate* was not aware that anything could be advanced against the character of this respectable gentleman. He did not believe that any charge had been made against him for his judicial conduct in the office he had filled. At the same time he was not cognizant of the facts of the case, and he could state nothing positively and of his own knowledge with regard to the facts of it. He believed, however, that he was correct in stating, that this gentleman had been removed from his office for nothing improper, and that no charge had been made against him.

Mr. *Wallace* was glad that the subject had been brought before the House by the noble Lord. The time was arrived when the power exercised by Judges in Scotland, of dismission of other Judges under them, should be done away with. The Judges of every grade in Scotland should be appointed and dismissed by the Crown alone. The practice of one set of Judges dismissing others had been attended with very injurious effects in that country. Inquiry had induced him (Mr. Wallace) to come to conclusions very different from those of the Law Commissioners on the subject. It appeared, too, that this case had come into Court in the year 1824, and that it was now near its close in 1836. That fact spoke volumes as to the state of the law of the country. He trusted that the learned Lord-Advocate would endeavour to put an end to such a state of things, and that the House would assist him in reforming this disgraceful system of the Scotch Law Courts. There was a Judge who had been dismissed twelve years ago, who had not been enabled, up to the present moment, to obtain a decision on his case.

Petition to lie on the table.

STAMP DUTIES ON NEWSPAPERS.] Mr. *Goulburn* held in his hand a petition from certain individuals, the printers and publishers of those daily papers which had the largest circulation in the metropolis; and if any credit was due to the reports of what was represented to have taken place between his right hon. Friend (the Chancellor of the Exchequer) and those persons who had been allowed to have an interview with him on the subject of the Stamp Duties, this petition was worthy of the most serious attention of the House. It was reported that his right hon. Friend had declared, that his object in the proposed reduction of the Stamp Duties was to put down monopoly; but he (Mr. Goulburn) was sure that if any such expression fell from his right hon. Friend, he was not actuated by any partial feelings, or by a disposition to disregard the rights and property of any persons. If any one class of the community was less entitled to the appellation of monopolists than another, it was that which comprise those who were engaged in the conduct of the public daily press; for, whereas while the copyright of other authors was protected for a limited period by an express law, to the daily press no protection whatever was assigned, however great might be the expenditure of capital in the purchase of information: however extensive the literary labour employed, individuals situated as the petitioners were, enjoyed no protection from piracy, but were liable to have the fruits of their enterprise and talent pillaged from them the very next moment after publication. But if this argument was not sufficient to relieve them from the charge of being monopolists, he thought that he could prove that these individuals were no more liable to that charge than were those who, having employed their capital and talents in a particular branch of business, had succeeded, by their superiority and industry in surpassing all their competitors. The object of this petition was to represent to the House the injurious effects of a clause which the right hon. Gentleman opposite had proposed to introduce into his Bill for regulating the Stamp Duties. By that clause it was declared, that henceforth a fixed newspaper duty should attach to a sheet of a particular size, and if they exceeded that size they should be subject to a double duty. Of that regulation the petitioners complained; and they complained of it, because, in their opinion, it would be partial in its operation; they complained of it because it would occasion a great loss of capital to them; they complained of it because it would be detrimental to them in a financial point of view, and injurious to the general interests of the revenue. It was necessary, in order to understand the prayer of the petition, that the House should know the state of the law on this particular subject. Many years ago it was the law that a newspaper should pay a duty according to the size of the paper; and by a statute passed, he thought in the year 1804, the size of a newspaper was limited to thirty-two inches by twenty-two; and that law continued for a certain time. But as the taste for information gained ground, and as the state of society gave persons an interest in a greater variety of subjects, it was found to be very difficult for editors and proprietors of newspapers to satisfy their customers by confining themselves within the limits which the law prescribed; and experiments were made, first by allowing a supplement to be published, at half the price and duty charged on the original paper. Afterwards Mr. Huskisson, in the year 1825, brought in his Bill, which met with the universal concurrence of the House, to take off all restrictions on the size of newspapers, and to leave it to the discretion of every individual to print his paper on what sized sheet he pleased. In consequence of that general arrangement, and in consequence of the increased demand for this kind of literary productions, proprietors of newspapers embarked their capital in the adaptation of machinery, each man according to his own particular fancy or the taste of his readers, for the purpose of publishing his paper in that size and form which he considered to be most desirable. It had happened that the *Times*, the *Morning Herald*, the *Morning Post*, the *Standard*, and perhaps some others, had adopted the plan of publishing a double-sheet newspaper, instead of a single sheet. The *Morning Chronicle*, however, took another line, and instead of adapting its machinery to the publication of a double-sheet of the then ordinarily sized paper, it extended the size of its original sheet. Now, it had so happened that in the clause which the right hon. Gentleman proposed to introduce into the Bill now lying on the Table of the House, he had calculated and proposed a size precisely suited to the dimensions of the *Morning Chronicle.* [*Hear.*] The House would not suppose that he meant to impute that his right hon. Friend opposite had any intention of favouring the paper which supported his own views to the prejudice of those who opposed his views. That was not the purpose which he had in view—that was not the purpose of the petitioners; but all he would say was, that by an accidental circumstance the right hon. Gentleman had framed the clause so as to suit the size of that paper—a paper belonging to a particular branch of the daily press, and not any of the others; and that gave to these petitioners a just and reasonable ground of complaint. They (the petitioners) stated that they could not conform to the altered size without making a change in their machinery, which would be attended with very considerable expense and loss. He believed that it had been stated since his right hon. Friend made his first proposition, that he had determined to alter the size of newspapers, and to estimate the size by its superficial contents in inches. It had been stated, that 1,530 superficial inches was to be the size in future. Now, it was possible that, by this arrangement, many of the parties who would have been aggrieved by the original proposition of the Bill might be relieved; but still this plan, pressing as it did against the individuals who now complained by their petition, it would be but justice for the house to take their case into consideration, and to afford them a remedy; for their case was not in any degree remedied, although the aggregate number of sufferers might be in some degree diminished. He should be prepared—[*Cries of "Order," and "Chair."*]

The *Speaker* suggested, that the right hon. Gentleman was going further than he ought. As long as the right hon. Gentleman confined himself to the statements of the petition, for the purpose of making the House acquainted with them, he was perfectly in order, but when he went beyond that into an argument upon the question, he was irregular.

The *Chancellor of the Exchequer* took the liberty most humbly to entreat the House, as this was a question which really more or less involved the character of a public officer of the Crown, to allow the right hon. Gentleman to have the fullest opportunity of explaining all the statements of the petition. But he should also claim the full power of not allowing those statements themselves, or the inferences drawn from them, to remain uncontradicted, or without explanation. He knew he should be able to satisfy his right hon. Friend that those statements and inferences on this subject were entirely at variance with the whole of his conduct.

The *Speaker* said, he had interrupted the right hon. Gentleman only with a view of calling his attention to the rule of the House; but that rule would not preclude him from making any explanation of portions of the petition which he might consider necessary.

Mr. *Goulburn* said, the only addition he had to make to the petition was, that the regulation complained of would be partial in its operation, and he was sure that his right hon. Friend would agree with him that it would press severely upon the parties who were in the habit of publishing double sheets. He would add further, that the restriction to a particular size was calculated to be injurious both to trade and to the revenue. It was hardly necessary for him on that occasion to offer any reasons why parties should not be as unrestricted as possible as to the mode in which they desired to carry on their business. He was sure the House would feel that the proposed regulation was one which must have the effect of interfering with the liberty of the subject with regard to the mode in which individuals chose to transact their business. He would further mention that the petitioners stated, if they should transgress the proposed law, they were to be subjected to a double duty, and that the additional duty would operate on them as a penalty, and perhaps effectually prevent the publication of double sheets. At present, the double sheet produced a revenue of a very large amount, and therefore this regulation in a fiscal point of view was one of the very worst that could be adopted. If the House thought that he ought not then to enlarge on the subject of the petition, he should desist; but he must say, that he felt sorry that he was not able to enter into it more fully, and that it was not fair to the petitioners themselves not to be allowed to state all their views. This, however, he would state, that the proposed Bill would materially affect their interests if it were carried in its present shape. Though he felt himself very inadequate to do justice to the claims of the petitioners, he hoped the House would not suppose that their case was not of a much stronger nature than he had been able or permitted to to make out.

The *Chancellor of the Exchequer* would first take the liberty of calling the attention of the House to the facts, or rather the allegations of the petition, and to the inferences which had been drawn from them. He did not find any fault with his right hon. Friend for the course which he had pursued. He should abstain from discussing those parts of the petition which his right hon. Friend had been precluded from stating; but he would take upon himself to say, that if the House would do him the favour to accompany him through the few words he should have occasion to address to them, they would admit that there never were more grievous and base misrepresentations—never more scandalous imputations—calculated to injure and destroy the character of a public servant, uttered, than those which had been put forth on another occasion in connexion with the petition now before the House. He would not address himself to any of those Gentlemen who were connected with him in political sentiments, but he would place himself in the hands of the right hon. Gentleman himself, and he would be satisfied to abide by his judgment. The House would allow him to observe, in passing, that he by no means warranted any statements which had gone forth respecting interviews which had occurred between him and persons who had desired to see him on this subject. He did not complain of this practice which had grown up; Gentlemen might exercise their own discretion, but he would say that it was a practice most subversive of public convenience, and detrimental to the discharge of official duty, when hon. Gentlemen were received for the purpose of communicating with the Government, that unauthorized reports of what passed should go forth, capable as they were of being mistaken or misrepresented, not being reduced to writing, and not expected to be published by the parties who made them; but being in fact ex-parte statements, which could neither be contradicted nor explained in the quarters to which they were forwarded. He made no complaint on this subject; he admitted that every class of persons had a right to have access to the Government officers on fitting occasions; but he would say, if that conversational intercourse was to be carried on with freedom, without which it could not be carried on with effect, the confidence of those who made communications ought not to be abused. Let an opinion be asked, and let it be abided by;' but let not unauthorized statements be made, and depended upon as correct. Disclaiming all participation in those reports, he admitted, for he wished to conceal nothing, that at one of those interviews he stated that he objected to the continuance of the system prayed for by the petitioners, because he thought it would be favouring a monopoly. He did not care where that monopoly existed, whether it was for or against him; he said, that in fixing this restriction his object was not to create a monopoly, and he imagined that in fixing an extra duty on enlarged newspapers, it was but as just and as fair that an additional charge should be made for the conveyance of a double sheet by post, as it was to make an extra charge for the transmission of a double letter.

Mr. *Goulburn* submitted, that the right hon. Gentleman was not pursuing a fair line of argument in making these remarks, unless he were permitted to reply to them, which he should be quite prepared to do.

The *Chancellor of the Exchequer* said, his right hon. Friend should have a full opportunity to reply to him. With regard to the charge made against him, whoever the parties might be who made the charge, he would say that there was no shadow of a pretence to justify them in imputing to him one of the basest acts that could be imputed to any public man—namely, that in framing a general measure he was so regardless of the public interests, and of the sacredness of the trust reposed in him, that he had made use of that general measure to subserve either his political views or party animosities, and to commit an act of injury towards persons who had embarked their capital in trade under the encouragement of the existing law; and at the same time, that, in so doing, he had sought to give advantages to others because they participated in his political feelings. Therefore he was bound to say, without arguing the general question, that he had adopted the principle of the double stamp because he thought it a fair and just one. It was stated, that he had drawn a line most ingeniously for the purpose of protecting the *Morning Chronicle*, and that he had thereby most ungenerously injured the interests of the other papers to which his right hon. Friend had referred. Now, he would tell the House distinctly, and upon his honour, that which he really had done. On fixing the principle of a stamp duty on a single sheet, he told the officers of the Stamp-office to measure the largest newspaper sheet that was to be found in circulation in the metropolis, and he took the largest because that comprehended the less; at the time he gave that direction, he could assure his right hon. Friend that he did not know which paper that would affect, or which it would not. But he would go a step further, in order to show the principle upon which he had acted. The next communication he received came from the newspaper proprietors themselves; he had been in communication with those who represented these very individual petitioners, and he had also been in constant communication with their Committee, and therefore he never was so astonished in his life, all these arrangements having been made with their own privity, some at their suggestion, well knowing, as they did, every step that had been taken, that this petition, involving him in personal charges, should be presented from the very men who participated in all he did. It was next said to him—"If you fix the length and width of newspapers, you will create great inconvenience and expense, and entirely disarrange our machinery." He therefore proposed, instead of taking the length and breadth, to take the superficial contents in inches, and with that the parties appeared to be perfectly satisfied. It was done, in point of fact, at their suggestion; he consulted with them, and endeavoured to meet their own case, in order to prevent the disturbance of their capital; yet that had become the very ground of their animadversions. But that was not all. He was informed, that although the dimensions mentioned were those of the largest paper published in the metropolis, there were provincial papers of larger dimensions than that. He was told it was a York paper, and he directed it to be measured, and the measurement to be communicated to the individuals concerned in the business, and they should have the benefit of it. Up to that moment, so little did he know of the politics of the paper, that he did not even know the name of it; but he knew by the measurement made at the Stamp-office that it was the largest paper. His right hon. Friend might differ from him as to the question of finance; he might think the measure a bad one; but he was sure that when he appealed to him, he would, after this plain and simple statement, acquit him of having acted with bad faith towards any persons whatever on this subject. He must say one word more; this might be, as his right hon. Friend said, a bad financial measure; it might be a bad species of legislation; Mr. Huskisson deserted it in 1825, though it was introduced in 1804; but he had an authority to bring forward on the question to which he attached much importance. His right hon. Friend himself prepared a Stamp Bill in 1830, and though he presented this petition, his right hon. Friend then introduced this very clause—a clause which would have the effect of restricting double sheets. He held the clause in his hand, and his right hon. Friend should have an opportunity of reviewing it. The difference between that clause and the proposition which he had made was this—that while his right hon. Friend would have restricted the size of the sheet to 36 inches by 23, he proposed that the limits should be 43 inches by 34. The difference was, that the *maximum* of the right hon. Gentleman's clause was only 828 inches, while his *maximum* was 1,530 inches. The *Times* newspaper at that time supported the Government of which the right hon. Gentleman was then a member; and he should be the last man to impute to his right hon. Friend a disposition to do anything to affect the interests of any paper; but his clause would have had that effect with regard to the *Times*, so nearly did his calculation approach its size. Without, however, dwelling on this topic, which would be more properly discussed hereafter, he would put it to the House whether he had not cleared himself from imputations which had been made against him where he had no opportunity of replying to them, but which, if true, if it could be proved that he had acted thus, would render him utterly unworthy, not only of the high station which he held, and of a seat in that House, but of all intercourse with Gentlemen. If he had been guilty of such a base act as to have framed a general measure for the purpose of destroying the property of newspaper proprietors adverse to the Government, and of affording undue encouragement to newspapers of an opposite character he should have been unfit to live in civilized society. He put it also to the House, whether he had not proved from the public records that the right hon. Gentleman had furnished a full justification of the principle he had adopted? It was of great importance that he should not be misunderstood on this subject, and therefore he had trespassed longer on the House than he had intended. He had been put upon his trial, by the allegations of the petition and statements made elsewhere, and he had now only to ask the House whether he was guilty or not guilty?

Mr. *Goulburn* thought it but just to repeat, that he threw no imputation on his right hon. Friend for having made the selection of a particular paper as the model for the future size of newspapers. His argument went only to show that the restriction was unfair to others. He did not believe there was any ground for the charges which had been alleged against his right hon. Friend; he expressly stated, that in the course of his observations what he stated was, that it had happened, by some accidental circumstance, that a particular size had been fixed upon, and that the restriction to that size was injurious to the interests and property of the petitioners. With respect to what his right hon. Friend had said on the subject of the Act of 1830, this might not be the time to enter into an explanation of that question; but he would say, that he was not to be bound by every draught of a Bill which might have been found at the Treasury, as draughts were always subject to subsequent alteration. But he was bound by the schedule of duties which he had submitted to the House of Commons, and in that schedule he was confident there was no restriction as to the size of newspapers, and that there was an allowance for supplements at half the duty. The schedule therefore proved, that the paragraph in the draught which the right hon. Gentleman had quoted had been reconsidered and rejected.

The Petition was read as follows, and laid on the table:—

"TO THE HON. THE COMMONS OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED.

"The humble Petition of the undersigned showeth—

"That your petitioners are printers or proprietors of daily newspapers in this metropolis, and have learnt that a measure is now in progress before your honourable House, by which, if completed, their interests will be materially injured—the information of the public derived from the daily press greatly impeded—and the revenue drawn from the several duties to which newspapers are liable, diminished.

"In the Schedule of new duties on stamps, it is proposed that 'no newspaper shall be printed on any sheet or piece of paper exceeding forty-one inches in length and twenty-six inches in breadth, unless the same shall be stamped for denoting the payment of double the duty by this Schedule imposed on any newspaper.'

"Now, your petitioners beg leave to state to your honourable House, that the effect of this clause will be to prevent absolutely the publication of what are called double papers, and thus to cramp the undersigned in the just and necessary exercise of their business. The partiality of the measure will be no less striking, when laid before your honourable House, than its general oppressive character; for the admeasurement recommended to be imposed by the new Act is exactly such as will spare a journal unaccustomed to publish double papers, which is peculiarly attached to the present Administration, and oppress and impoverish all the others which adopt a more independent and impartial line of policy.

"That the law now existing with reference to the size of newspapers has been in operation ever since the year 1825, at which time the late Mr. Huskisson was so convinced of the impolicy and injustice of restrictions similar to those now proposed, that he introduced an Act leaving to printers the exercise of their own discretion with respect to the size of their journals, thus establishing the principles of free trade in this as in other commercial property.

"That in consequence of this rational, as well as liberal view, the then Parliament repealed those restrictions upon the size and form of newspapers, which it is now attempted to reimpose; and so thoroughly convinced were your petitioners that it could never be attempted to bring so erroneous and even barbarous a principle into action again, that their machinery, and all their mechanical arrangements, have been formed and established in the confidence that they could not hereafter be so restricted and harassed in the fair operation of their business. The proposed law would also greatly inconvenience the papermakers.

"By the intended measure, therefore, the greatest risk to property, which is become valuable through an immense outlay of money and labour, will be incurred; the amount of which property is of itself a pledge to the state of the good conduct and character of those who are embarked in the management of the daily journals. The diffusion of useful intelligence, also, being an object which it is desirable to promote, your petitioners beg to state that the limitation of the size of a paper is a more direct impediment to the spread of knowledge than a high price; because a combination of small subscriptions enables the poorest people to read the journals even at their present price, whilst a compulsory *maximum* of size will prevent a newspaper from publishing more than a fixed quantity of matter, except at the expense of an additional stamp.

"The loss to the revenue, also, will be no less obvious than the impediment to the obtaining information; inasmuch as the extra number of columns which go to the composition of what is called a 'double sheet,' are filled almost exclusively with advertisements—and thus the obstacle thrown in the way of publishing such advertisements, and of consuming a double quantity of paper, will operate in a two-fold manner against the derivation of any profit to the public from the additional stamp of one penny, which is levelled against journals of more than a given size.

"Your petitioners, therefore, humbly pray that your honourable House will not sanction, in its existing form, a measure which bears with such peculiar and even personal hardship on certain individual newspapers, whilst it violates the plainest principles of free trade, and tends to defeat the productiveness of duties already established—viz. that on advertisements, and that on the manufacture of paper; contracting and diminishing the sum total of information circulated amongst the reading public, and not even providing an equitable copyright protection to the capital and literary labour profusely expended by the daily journalists, in the constant acquisition and preparation of new matter to meet the wants of the community.

"And your petitioners, &c.
"John Joseph Lawson.
"E. R. Hearn.
"Charles Baldwin.
"Thomas Payne."

Gallery for Ladies.] On the Motion of Mr. Grantley Berkeley, the Report of the Select Committee appointed last Session with respect to the admission of Ladies into a part of the Strangers' Gallery, was read by the Clerk.

Mr. *Grantley Berkeley* said, that in rising in pursuance of his notice to move that the recommendation of the Committee be adopted, he felt great regret at the circumstance that, owing to his motion not having come on in the ordinary course of time, many friends of that motion were not present. He was at a loss, however, to understand what objection could be made to the adoption of the recommendation of the Committee. That Committee had been fairly chosen, and their report was impartial and unprejudiced. He had never heard a single sound reason advanced why ladies should not be admitted into that House for the purpose of hearing the debates, provided they were placed in such a situation that they could not interfere with the business of the House. He did not know what might be the case with other Members, but he was sure that their presence would make no difference in his thoughts. There might certainly be hon. Gentlemen of a more inflammable nature; but he did not think that was an objection which would be seriously urged. For his part he was persuaded that if ladies were once admitted into the gallery much good would be the result; and especially that, in many cases, debates would not be so prolonged as they were at present. It had indeed been alleged, that if ladies were present, many hon. Members who were not now in the habit of speaking, would hold forth, and at considerable length; but he did not think that such would be the case. On the contrary, in his opinion many hon. Members who spoke much better in the newspapers than they did in that House would abstain from speaking, if ladies were present to judge of the comparative merits of their spoken and their reported speeches. Knowing, however, that almost every hon. Member who was listening to him wished to dine, and anticipating no objection to his immediate proposition, he would detain the House no longer, but would at once move, "That it is the opinion of this House, that the recommendation of the Select Committee appointed in the Session of 1835, with respect to the admission of ladies into a portion of the Strangers' Gallery be adopted, together with the plan for the purpose of Sir Robert Smirke; and that directions be given to that architect to proceed as speedily as possible in the execution of his plan, at such hours as may not interfere with the business of the House."

Mr. *Potter* hoped the House would agree to the motion of the hon. Gentleman; for he really could not see any objection to ladies hearing the debates of the House. The plan had been already tried in both Houses of Parliament—in that House when the Lords occupied it, and no objections were urged against it, that he ever heard of. In the ventilator of the old House of Commons every evening ladies had been seen listening to the proceedings, without any objection being made, or its being considered improper. Females were as much interested in the proceedings of Parliament as the other sex, and if any portion of them were desirous of hearing the debates, why should they be prevented? It was well known, and acknowledged by all, that they possessed very great influence in society, and it was, surely, of importance that they should be treated as rational beings, and be enabled to exercise that influence properly. The beneficial influence of a virtuous and enlightened mother over her son generally continued through life, and why should she (if her son were in Parliament) be prevented from hearing the manner in which he discharged his duty? Why should the wife of a Member be prevented from hearing the debate? During the Session of 1833 and 1834, he had repeatedly observed hon. Members take their wives and daughters into the ventilator, particularly when subjects of importance were under discussion, and he felt convinced they would not have done so had they supposed the least injurious consequences to have followed. In the Chamber of Deputies at Paris, the front seats of the galleries were appropriated for ladies—he had repeatedly seen them there, and they appeared to take an equal interest in the proceedings—and he had never seen the least appearance of levity in their behaviour. In Congress Hall, at Washington, they were admitted, and he understood, also, at other legislative assemblies. Surely in this country they were not going to act on exclusive and oriental principles towards the female sex.

Mr. *Kearsley* hoped and trusted, that every hon. Member who was blessed with daughters would negative this idle and ridiculous proposition.

Dr. *Bowring* had supported the former motion on the subject, and would support the present. No evil had resulted in other countries from allowing females to hear the debates of their legislative assemblies. In the German states they were admitted; and their presence had not been found in any respect to hinder the progress of public business. On the contrary, their influence, as on all other occasions, had been found friendly to decorum, and friendly to the bridling of the manly passions. The character of females in this country stood so high, that he was persuaded no improper language would be used in their presence, and therefore that they would exercise salutary control. He had never known anything but good result from the presence of females; and he was therefore at a loss to understand why they should be refused admission into that House.

Mr. *O'Connell* said, that in the Irish Parliament ladies were allowed to be present. The cause of their original admission was this. In former days a hospitality of a particular kind was exercised in Ireland to such an extent, that Members of the Irish House of Commons used to come drunk to the House. The remedy proposed and adopted was to admit ladies into the gallery, and from that moment not a single drunken man ever presumed to make his appearance.

Mr. *Villiers* observed, that as he was neither " blest with daughters," nor felt any necessity to " bridle his manly passions," he might be considered an impartial judge on the present occasion. They had had friends of all classes in that House—friends of the Church, friends of the farmers, friends of the manufacturers, friends of the people, and now they had friends of the ladies. The change which it was proposed to make might be considered an organic change. In the first place, however, he was not aware that it was called for. He was not aware that any excitement existed among ladies on the subject; he was not aware that any petitions had been presented from them respecting it. He certainly did not see that any harm could result from the admission of ladies into the gallery. But would the thing end there? Were there no ulterior views? He wished to learn also how the admission of ladies was to be regulated? It would be impossible to admit as many ladies as there were Members of the House. Was the right of selection to be vested in the Secretary of State for the Home Department? If so, that right hon. Gentleman might subject himself to the charge of giving an undue preference to ladies of a peculiar description; he might be accused of being influenced in his choice by corrupt motives. He hoped that if the hon. Member for Gloucestershire really intended to introduce a Bill on the subject, he would not do so in the present Session: he hoped the hon. Member would give an opportunity of letting the matter be canvassed in all the populous towns of the kingdom. To him it appeared to be so difficult to understand all the bearings of the subject, that he did not think that in fewer than three Sessions it would be possible to comprehend them all.

Captain *Pechell* had last year supported the motion, and would support it on the present occasion. He hoped that the hon. Member for Gloucestershire would be more fortunate with respect to his fair clients than he (Captain Pechell) had been with respect to the client whose case he had brought under the consideration of the House.

Mr. *Grantley Berkeley* shortly replied, assuring the hon. Member who had addressed the House last but one, that he had no ulterior views whatever.

The House divided—Ayes 132;—Noes 90;—majority 42.

List of the Ayes.

Aglionby, H. A.
Archdall, M.
Bagshaw, J.
Baldwin, Dr.
Baring, H. B.
Barnard, E. G.
Bateson, Sir R.
Beaumont, T. W.
Berkeley, hon. F.
Berkeley, hon. C.
Bish, T.
Blunt, Sir C.
Bowes, John
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brotherton, J.
Brudenell, Lord
Buckingham, J. S.
Buller, C.
Burdon, W. W.
Butler, hon. P.
Campbell, Sir H.
Cayley, E. S.
Chapman, L.
Chapman, A.
Chetwynd, Captain
Chichester, A.
Codrington, C. W.
Coote, Sir C.
Cowper, hon. W. F.
Crawford, W. S.
Dick, Q.
Divett, E.
Dundas, hon. J. C.
Dundas, J. D.
Eaton, R. J.
Elley, Sir. J.
Etwall, R.
Fancourt, Major
Fector, J. M.
Ferguson, Sir R. A.
Fergusson, rt. hon. C.
Forbes, W.
French, F.
Freshfield, J. W.
Gaskell, D.
Gaskell, J. M.
Gisborne, T.
Gore, O.
Goulburn, Sergeant
Grote, G.
Guest, J. J.
Gully, J.
Hale, R. B.
Halford, H.
Harland, W. C.
Harvey, D. W.
Hay, Sir A.
Henniker, Lord
Hindley, C.
Hogg, J. W.
Horsman, E.
Hume, J.
Hutt, W.
Jackson, Sergeant
Jones, W.
Kemp, T. R.
Knightley, Sir C.
Law, hon. C. E.
Lawson, A.
Lister, E. C.
Lowther, J. H.
Maclean, D.
Maunsell, T. P.
Molesworth, Sir W.
Mullins, F. W.
Musgrave, Sir R.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
Oliphant, L.
Parrott, J.
Parry, Sir L. P. J.
Pease, J.
Pechell, Captain
Perceval, Colonel
Pinney, W.
Plumptre, J. P.
Plunket, hon. R. E.
Polhill, F.
Potter, R.
Poulter, J. S.
Power, J.
Price, S. G.
Pryme, G.
Richards, John.
Robinson, G. R.
Roche, D.
Roebuck, J. A.
Ruthven, E.
Scholefield, J
Scott, Sir E. D.
Scourfield, W. H.
Sibthorp, Colonel
Smith, B.
Smyth, Sir H.
Strickland, Sir G.
Stuart, Lord D.
Surrey, Earl of
Talbot, J. H.
Talfourd, Sergeant
Tennent, J. E.
Thomas, Colonel
Thompson, Colonel
Trevor, hon. A.
Tulk, C. A.
Twiss, H.
Vivian, Major C.
Wakley, T.
Wason, R.
Whalley, Sir S.
White, S.
Wilkins, W.
Williams, W.
Williams, W. A.
Wiliamson, Sir H.
Wood, Alderman
Young, Sir W.

TELLERS.

Berkeley, hon. G.
Forrester, hon. G. C.

List of the Noes.

Baillie, H. D.
Baines, E.
Balfour, T.
Baring, F.
Baring, T.
Barry, G. S.
Bentinck, Lord W.
Bethell, R.
Bolling, W.
Bonham, R. F.
Bramston, T. W.
Buller, Sir J.
Cavendish, hon. C.
Cavendish, hon. G.H.
Chalmers, P.
Chandos, Marquess of
Chaplin, Colonel
Childers, J. W.
Churchill, Lord C.
Clerk, Sir G.
Clive, hon. R. H.
Colborne, N. W. R.
Conolly, E. M.
Crawley, S.
Curteis, E. B.
Dillwyn, L. W.
East, J. B.
Eastnor, Lord
Egerton, Lord F.
Ellice, rt. hon. E.
Evans, G.
Fort, J.
Goulburn, rt. hon. H.
Grimston, Lord
Halse, J.
Hastie, A.
Heathcoat, J.
Hill, Sir R.
Hodges, T. L.
Hope, J.
Hotham, Lord
Howick, Lord
Ingham, R.
Inglis, Sir R. H.
Kearsley, J. H.
King, E. B.
Knatchbull, Sir E.
Lefevre, C. S.
Lefroy, rt. hon. T.
Lennox, Lord G.
Lincoln, Earl of
Mackinnon, W. A.
M'Leod, R.
Manners, Lord C. S.
Marjoribanks, S.
Marsland, T.
Maule, hon. F.
Morgan, C. M. R.
North, F.
O'Ferrall, R. M.
Palmer, General
Parker, M.
Pendarves, E. W. W.
Pigot, R.
Rickford, W.
Rooper, J. B.
Russell, C.
Russell, Lord J.
Russell, Lord C.
Ryle, J.
Sharpe, General
Sheldon, E. R. C.
Smith, R. V.
Somerset, Lord E.
Speirs, A.
Steuart, R.
Strutt, E.
Stuart, Lord J.
Sturt, H. C.
Trelawney, Sir W.
Trevor, hon. G. R.
Turner, W.
Vere, Sir C. B.
Vesey, hon. T.
Vivian, J. H.
Walker, R.
Wallace, R.
Walpole, Lord
Walter, J.
Warburton, H.
Weyland, Major
Wood, C.
Wood, Colonel
Wynn, rt. hon. C. W.
Young, J.

TELLERS.

Villiers, C. P.
Methuen, P.

APPOINTMENT OF LORD BRUDENELL.] Sir *William Molesworth.*—The object of the motion, of which I have given notice, is to call in question an appointment in the army. I do this, upon the principle that some officer of the Crown ought to be directly responsible to this House for the administration of the military department of the State. I contend that the Commons of England have a distinct right to demand an explanation with reference to any appointment in the army which may seem to them objectionable. That right is founded upon the same basis as all the other rights possessed by the Commons. It will be said that this is an attempt to interfere with the prerogative of the Monarch.—By no means.—I make use of a perfectly constitutional doctrine, when I affirm that the prerogative of the Monarch can never be injurious to his people; consequently, if I prove that the appointment is an improper one, I prove, by the very terms of the proposition, that the appointment in question could not result from the exercise of the Royal Prerogative, but must have resulted from the power of some one who ought to be made responsible for his conduct. But the people have to pay for these appointments; therefore, it is the duty of the representatives of the people not to pay for any appointment which is not a fitting one, and, if this be their duty, it is clear that they are bound to examine into the fitness of every appointment with reference to which there may be any reasonable grounds of suspicion. The Commons have the power of controlling all the departments of the State, and have exercised that power; over some departments that power is exercised more frequently,—over others less so. The mode in which that power is generally exercised is, first, by asking an official explanation with reference to an appointment; if that explanation be not satisfactory to the House, and the appointment be persevered in, the next step is to move some Resolution condemnatory of the appointment; if this be carried, and without effect, the next step is an address to the Crown to cancel the appointment, or to dismiss the person who made the appointment, or an impeachment of the person responsible for the appointment; if all this be vain, then the next step is to stop the Supplies; and if this be likewise ineffectual, the last and ultimate appeal is those who sent us here to be their faithful representatives.

Such is the constitutional chain by which the representatives of the people have asserted their right, and proved their power to control all the departments of the State. The first step, namely, that of demanding an official explanation, is generally sufficient; for then the arguments for and against the appointment are stated, and, from the tone of the House, it appears whether the appointment can be persevered in or must be cancelled. Thus, a few weeks ago, the right hon. Baronet, the Member for Tamworth, asked certain questions with reference to the appointment of magistrates;—the answer of the noble Lord who is responsible for those appointments was satisfactory to the majority of the House, and then the question dropped. Thus, last year, a noble Lord was appointed to an embassy to a northern court; that appointment was deemed an objectionable one by the noble Lord, the Member for Stroud, who put a question with regard to it. The subject was subsequently brought under the consideration of the House, by my hon. Friend the Member for Tipperary, who was seconded by the right hon. Gentleman, the Member for Kirkcudbright, and supported by the right hon. Baronet, the Member for Nottingham. These right hon. Gentlemen very properly disregarded the assertions of the other party,—that they intended to interfere with the prerogative of the Crown. They, by their acts, distinctly asserted the right of the Commons to control all departments of the State; they demanded an official explanation; the explanation of the right hon. Baronet opposite did not appear satisfactory; the appointment was given up,—in other words, it was cancelled,—and my right hon. Friend had the extreme satisfaction of vindicating the power of the Commons, in defiance of those who endeavoured to shield themselves from responsibility behind that which they were pleased incorrectly to term the prerogative of the Monarch. Indeed, whenever we hear that term "prerogative" made use of within the walls of this House, we may feel convinced that some abuse is about to be defended—some attempt is about to be made to escape inquiry—to shrink from responsibility.

In times past, the prerogative of the Monarch was said to extend over every department of the State. Loud would have been the outcry and imminent the danger of being sent to the Tower, if any hon.

Member had then presumed to question the fitness of an ambassador, or the appointment of a magistrate. Those times are passed; and now the heads of each department in the State, except one, are responsible to the Commons, either by themselves or delegates, and may be called upon to answer for their conduct by any Member of this House. From this responsibility they never shrink. Thus, in matters concerning the Home Department, the noble Lord is responsible for each individual act. In matters concerning the Colonial Office, my hon. Friend, the Member for Devonport, is responsible in the name of Lord Glenelg, whose conduct he invariably explains in the most ample manner. In the navy, the First Lord of the Admiralty is a Member of the other House; but some of the junior Lords are in this House to answer for his conduct: similarly, in all other departments of the State, except one—in the army. I have shown that the Commons have the same right to demand an explanation with regard to the appointments in the army, as they have to demand an explanation with reference to the appointment of ambassadors, magistrates, &c.; consequently there ought to be some person connected with the Government in this House who should be held responsible for the administration of the army; but there is no one. I asked a question some time ago with reference to an appointment in the army, the propriety of which seemed to me questionable. I demanded an official answer. The Secretary-at-War told me that he was not responsible; the leader of the House of Commons informed us that the Ministers of the Crown were not responsible for the individual acts, but only responsible for the general conduct of the Commander-in-Chief. Now, I wish clearly to be understood not to impugn the general conduct of the Commander-in-Chief—not to call in question his general administration of the army, which administration, I believe, is satisfactory and deserving of high praise—but I demand an official explanation with reference to a particular act of the Commander-in-Chief, which act I intend to impugn. The right hon. and gallant Officer, the Member for Launceston, was the only person who seemed desirous to take the responsibility for this act of the Commander-in-Chief upon himself; but I hardly suppose his Majesty's Ministers would consent that he should be considered the official organ of the Commander-in-Chief in this House, how eminently soever the right hon. and gallant Officer may be qualified for the task. Thus it appears there is no one within the walls of this House connected with his Majesty's Government who is directly responsible to the Commons for the administration of the army. This, Sir, is a great evil; for the only responsibility, in the first instance, is that of the Ministers of the Crown to this House, and that responsibility is founded upon the power which the House possesses of withholding its support to those Ministers; if, therefore, the head of one of the great departments of the State be not a Minister of the Crown, the control of the House over his conduct would be very slight; in other words, he would be irresponsible. But it is the acknowledged principle of the Constitution that every officer of the State, except the Monarch, is responsible. Because the Monarch is not responsible, every one of his acts must be performed with the concurrence of some person who is responsible. In the army this person is the Commander-in-Chief. This responsibility being admitted in principle, what is the provision made for enforcing it in practice? The old mode of enforcing responsibility was by punishments; but this mode has become obsolete and nugatory; moreover, by its very nature it is inapplicable, except in cases of definable crime. The days of impeachment are passed; moreover, it would be absurd to impeach the chief of a department for merely one objectionable appointment; and it would be equally useless to move an address to the Crown to remove the functionary. Thus it is evident, if these were the only means of enforcing responsibility, an immense number of objectionable acts would be performed; for it is the nature of all Ministers—the past, the present, and the future—to do objectionable acts, if they can do them with impunity. I affirm not this in reproach of any individual Administration, but I affirm it universally of all men vested with power, whatsoever their political sentiments may be; if they possess power and can abuse it with safety, they will abuse it; and the means by which they ought to be prevented from doing objectionable acts are—not to deprive them of power, but to make them truly responsible to those who alone have a permanent interest in good government—viz. to the people through their representatives. I have shown that the old mode of enforcing responsibility by punishments is become obsolete: unless, therefore, its place had been supplied by a new mode of responsibility, there would be no responsibility at all, and the recognised first principle of this and every other representative government would remain a dead letter. This has been prevented by the growth of a less severe, but far more effectual, responsibility, which consists in the liability of being called to account by this House, with the consequent chance, not of punishment, but of losing office. Such, Sir, is the real responsibility of the Ministers of the Crown to the nation. It consists, in the first instance, in their being obliged to answer the questions of the representatives of the people—in their being compelled to give satisfactory explanations of their conduct. I call for the extension of this species of responsibility to the chief of the army. He is acknowledged to come as much as any Minister of the Crown within the constitutional principle of responsibility. He is, in consequence, liable along with them to the severe, but for that very reason, practically obsolete and ineffectual responsibility. He wears, like them, the badge of responsibility, but they have happily become liable to the reality of it; so ought he. How eminent, how illustrious, soever he may be—how irreproachable soever his general conduct may have been—(and none of these positions do I intend in any way to controvert)—nevertheless I contend that he ought not to escape from responsibility. For these reasons, I consider that one of his Majesty's Ministers ought to be at the head of the army—ought to be held responsible to this House for the administration of the army, and be present by himself or delegate in his place in the House of Commons, to answer to the questions and complaints of the representatives of the people, with reference to his conduct in the administration of military affairs. The consequence of there not being any one within the walls of this House, who is authorized to explain the conduct of the Commander-in-Chief is this, that I am most reluctantly obliged to bring a specific charge against him, and to call upon the House to appoint a Committee to inquire into his conduct.

In order to justify the House in acceding to this motion, I must state reasonable and apparent grounds of suspicion with reference to the conduct of the Commander-in-Chief. I charge the Commander-in-Chief with having made an improper appointment. My grounds for suspecting that appointment are founded upon the fact, that the officer appointed was censured in terms so strong, that if that censure be a just one, he is, in every way, unfit to command a regiment. On the other hand, if that censure be an improper one, it cannot fail to be highly injurious to the army to place in a station of important trust an officer against whom that censure stands recorded and uncancelled in the order-books of the army. I wish distinctly to be understood to pronounce no opinion whatsoever with regard to the justice or injustice of that censure,—not that I should (if I felt it necessary) in any way shrink from avowing my opinion; but, because this subject is beside the question, as I do not intend to impugn the past conduct of the officer in question, but the present conduct of the Commander-in-Chief, in assenting to this appointment after having promulgated the General Order which I will now read to the House. This General Order is dated February 1st, 1834, and contains the decision of a court-martial with reference to certain charges brought by Lord Brudenell against Captain Wathen. I will read the decision to the House:—

"The Court having taken into its serious consideration the evidence produced in support of the charges against the prisoner, Captain Augustus Wathen of the 15th, or King's Hussars, his defence, and the evidence he has adduced, is of opinion, that he is not guilty of any of the charges preferred against him. The Court, therefore, honourably acquits him of each and of all the charges.

"Bearing in mind the whole process and tendency of this trial, the Court cannot refrain from animadverting on the peculiar and extraordinary measures which have been resorted to by the prosecutor.

"Whatever may have been his motives for instituting charges of so serious a nature against Captain Wathen (and they cannot ascribe them solely to a wish to uphold the honour and interests of the army), his conduct has been reprehensible in advancing such various and weighty assertions to be submitted before a public tribunal, without some sure grounds of establishing the facts.

"It appears, in the recorded minutes of these proceedings, that a junior officer was listened to, and non-commissioned officers and soldiers examined, with a view of finding out from them how, in particular instances, the officers had executed their respective duties—a practice in every respect most dangerous to the discipline and subordination of the corps, and highly detrimental to that harmony and good feeling which ought to exist between officers.

"Another practice has been introduced into the 15th Hussars, which calls imperatively for the notice and animadversion of the Court—the system of having the conversations of officers taken down in the orderly-room without their knowledge—a practice which cannot be considered otherwise than revolting to every proper and honourable feeling of a gentleman, and as being certain to create disunion, and to be most injurious to his Majesty's service.

"His Majesty has been pleased to approve and confirm the finding of the Court.

"Although it would appear upon an attentive perusal of the whole proceedings, that some part of the evidence might reasonably bear a construction less unfavourable to the prosecutor than that which the Court has thought it their duty to place upon them; yet, upon a full consideration of all the circumstances of the case, his Majesty has been pleased to order that Lieutenant-Colonel Lord Brudenell shall be removed from the command of the 15th Hussars.

"The General Commanding-in-Chief directs that the foregoing charges preferred against Captain Augustus Wathen, of the 15th or King's Hussars, together with the finding of the Court, and his Majesty's commands thereon, shall be entered in the general order-book and read at the head of every regiment in his Majesty's service.

"By command of the right hon. the General Commanding-in-Chief."

"John Macdonald, Adjutant-General."

Either the decision of the Court-martial is correct, or it is incorrect. Either the order of the Horse-Guards, founded on that decision is proper or improper. I wish to argue this question in the manner which may be least painful to the feelings of individuals. I wish to call in question as little as possible the past conduct of the noble Lord. I am grieved that it is necessary for me even to allude to that conduct; for he, I think, has been most severely and most painfully punished, in the manner most agonizing to the feelings of an hon. Gentleman; nothing could justify the dragging of this question again before the public, except the circumstance of that noble Lord's being appointed to a situation of high trust. I do not seek to censure, again, that noble Lord; but I seek to censure him who has appointed the noble Lord. I ask, how the confidential adviser of his Majesty in military affairs has dared to make this appointment, after having sanctioned the General Order which I have read to the House, after having directed the General Order to be proclaimed at the head of every regiment in his Majesty's service? Perhaps it may be said, that the Commander-in-Chief considers the decision of the Court-martial to be incorrect. If there be in this House any Member authorized to speak in that functionary's name, I call upon him hereafter, in reply to me, to answer that question distinctly in the affirmative or negative. Perhaps it may be said, the Commander-in-Chief means this appointment as a sort of underhand atonement to the noble Lord, as a species of underhand acknowledgment of the injustice with which he considers the noble Lord has been treated. If this be the case, then, Sir, I affirm the noble Lord is one of the most deeply-injured individuals—one of the most cruelly-treated persons in this country—deeply injured and cruelly-treated in not having been permitted to exculpate himself by means of a general Court-martial; for this appointment in no way or manner effaces the decision of the Court. The decision still remains, and can only be blotted out in the same manner as it was made known—namely, by a General Order to be issued from the Horse-Guards, to be read at the head of every regiment in his Majesty's service, proving that the decision in question is unjust, false, and calumnious. Will the Commander-in-Chief dare to take this step? But it may be contended, that the noble Lord is satisfied; this, unfortunately, is not the question. The question is, will the public be satisfied? Will the British army be satisfied? Will the officers of the gallant regiment which the noble Lord is appointed to command—will they be satisfied? No; they will not consider this appointment as tantamount to a proof that the decision of the Court-martial was incorrect; they will reason in the following manner; they will refer to the tribunal which passed this sentence; they will read over the list of gallant and honourable names—they will say, these men, on their oaths, came to this decision. They will then refer to the circumstances of the trial—they will find that the noble Lord brought charges against one of the officers of his regiment for conduct unbecoming the character of an officer and a gentleman—they will find that the Court-martial fully and honourably acquitted the prosecuted officer of each and all the charges brought against him. They will then find that the Court deemed the charges so weighty and so serious, and the evidence adduced in support of them so weak, so frivolous, and so unsatisfactory—they will find that the

Court thought that the measures adopted to obtain evidence were so improper and so reprehensible, and the defence so complete and so ample—that the Court were convinced that the noble Lord had been induced to bring these weighty charges by other motives than those solely of upholding the honour and interests of the army—they will find that, in consequence of all this, the Court felt it to be its duty (following thereby the daily example of the Judges on the Bench) to animadvert on the conduct of the prosecutor, and to reprimand the noble Lord in the harsh and reproachful terms which I have read to the House.

Though it may be asserted, that the Court went out of the line prescribed to it in coming to this decision, that question is one of no import. The question which the British army will canvass is this:—Was the decision correct or incorrect? To this they will reply, by referring to the names of the officers of whom the Court-martial was composed, and then pronounce, unfortunately, in the affirmative. They will then consider the circumstances which followed this decision—they will find the noble Lord applying for a new trial—they will not, however, consider this fact as the slightest proof of the injustice of the decision; for they will observe that every person, how justly soever condemned, would wish, would call, for a new trial, as much might be gained—nothing could be lost—thereby. But, Sir, the refusal to grant a Court-martial will, to them, seem overwhelming proof that the Commander-in-Chief could find nothing in the proceedings of that Court-martial which could justify a new trial, though he palliated the hardship of the decision by stating that some portions of the evidence might reasonably bear a construction less unfavourable to the noble Lord. Thus, Sir, the officers of the British army will, undoubtedly, consider that the decision of the Court-martial is a correct one, and will persevere in this belief till the contrary be proved. I again ask, what is the opinion of the Commander-in-Chief with reference to that decision? Why, if it was an incorrect one, was it not cancelled at the time, and a new trial granted? If the contrary be the case—if the Commander-in-Chief consider the decision to be a correct one, I ask, how he dares to make such an appointment?

An attempt has been made to throw a portion of the responsibility for this appointment upon my right hon. Friend, the Member for Coventry, because, in 1833, he stated to the Commander-in-Chief that no officer ought to be put upon half-pay who was not entitled to be re-employed. This principle is, perhaps, a very correct one, but the question is not with reference to the principle, but whether the Commander-in-Chief ought, after the decision of the court-martial, to have put the noble Lord upon half-pay? For this act my right hon. Friend could not be responsible—for this act the Commander-in-Chief is responsible, and now the Commander-in-Chief is again responsible for appointing the officer in question as the fittest person to command a regiment. It may, perhaps, be contended that, though the decision of the court-martial is correct, yet the noble Lord has been sufficiently and severely punished; this I do not deny—those strong and reproachful terms must have been almost maddening to a person of the noble Lord's honourable feelings. But he who discusses this question as one of punishment utterly misunderstands the whole subject. The question is not with reference to punishment, but with reference to the fitness of an individual for an important trust. Undoubtedly, it is a great hardship to an officer that he should never be re-employed. But that hardship is the result of his own alleged misconduct—that hardship is no concern of the public—the question for the public is, not whether sufficient pain has been inflicted upon the noble Lord—not whether sufficient pain has been inflicted, in order to deter the generality of persons from the commission of similar offences;—but the question is, whether it be proper to confide so important a trust as the command of a regiment to one whose conduct, in a similar command, was so solemnly decided to have been most reprehensible, most dangerous to the discipline of his corps, and most injurious to his Majesty's service. This is the view of the question which will be taken by the officers of the regiment which he is about to command. They will not unreasonably ask these questions—they will say, "is the harmony—is the good feeling, which has so long existed amongst us, of so little consequence in the eyes of the Commander-in-Chief, that he should appoint to command us, one who has been solemnly declared to have introduced into his previous regiment a practice 'highly detrimental to that harmony and good feeling which ought to exist between officers?'" They will again ask, "is the discipline and subordination of our regiment of so little consequence in the opinion of the head of the army, that he should send amongst us a lieutenant-colonel whose conduct in his previous regiment is stated, by a court-martial, to have been "in every respect most dangerous to the discipline and to the subordination of his corps?" "Is," they will again ask, "our honour to be considered as nothing by the Commander-in-Chief, that he should place at our head a person whom he himself had only two years ago directed us to proclaim to our brother officers,—three times on parade to make known to our men,—as having introduced into his regiment 'a practice, which cannot be considered otherwise than revolting to every proper and honourable feeling of a gentleman?'" "Our commanding officer," they will say, "must not only be without fear, but without reproach; wipe out this reproach; prove, proclaim to the British army, that the decision of these gallant officers and honourable men is unjust, false, and calumnious;—then, and not till then, shall we receive the noble Lord with pleasure, shall we obey him with satisfaction." These, Sir, if I mistake me not much, will be the terms in which the officers of this gallant regiment will express themselves. A more gallant regiment does not exist in his Majesty's service, nor one that has better served its country—in Egypt, in the Peninsula, at Waterloo, with the army of occupation in France, thence,—seventeen years ago, removed to India, at Bhurtpore, and elsewhere, it has distinguished itself: some of its officers have been nearly as many years in the army as the noble Lord has lived years in this world. The two majors have served with this regiment since the years 1806 and 1811. With what feelings will they view the advancement over their heads of this young officer, who has never heard the sound of a musket, except in the mimic combats of a review, who entered the army in 1824, with unexampled rapidity obtained an unattached lieutenant-colonelcy in 1830—in 1832, the command of a regiment—in 1834, two years afterwards, was removed from that command for alleged misconduct—and now, in 1836, two years more, is deemed the fittest and most proper person to command their regiment? They will murmur, and most justly—loud will be their indignation; they will say, that which is said in every part of this town where this question is discussed—they will say, that courtly influence, courtly favour, and courtly intrigue, have biassed the otherwise sound judgment of the Commander-in-Chief, and compelled that distinguished and otherwise irreproachable officer, to make this seemingly most reprehensible appointment—an appointment which cannot fail to produce the painful belief in the minds of all connected with the British army, that provided an officer possess wealth and influence, it matters not what his past conduct may have been—it matters not what the solemn decision of a court-martial may have been against him; neither that conduct nor that decision will be a bar to his future promotion, nor an impediment to his advancement, over the heads of veterans, to the command of those whose conduct has ever been irreproachable. This belief, if it were to become general, in my opinion, is one highly injurious to the honour, to the discipline, and to the subordination of the British army, and this fully justifies me in demanding from the House a Committee to inquire into the conduct of the Commander-in-Chief. The hon. Baronet concluded by moving—"That it be referred to a Committee to inquire into the conduct of the Commander of the Forces in appointing Lieutenant-Colonel Lord Brudenell to the lieutenant-colonelcy of the 11th Light Dragoons."

Mr. Hume seconded the motion.

Lord *Brudenell:* Sir, I must crave the indulgence of the House, for a short time, whilst I make a few observations with reference to the subject which has been brought under their notice — and in rising to justify my own character, I am aware that I have rather a delicate task to perform, on account of the very limited space which is left open to me; for, on the one hand I am bound carefully to abstain from impugning the decision of the court-martial, which was held for the trial of an officer of the 15th Hussars, whilst that regiment was under my command; and, on the other hand, to avoid saying anything which might appear disrespectful with reference to the exercise of the King's prerogative, which deprived me of the command of that regiment. For the House will readily believe, that if I bowed with submission to that decision—that if I suffered with patience and becoming deference to the King's authority, and the recommendation of the General Commanding-in-Chief, that severe infliction—that I should be little disposed now to deviate from that respectful course after having succeeded in being reinstated in my former position in the King's service.

With reference to the court-martial held in the 15th Hussars,—in consequence of the acquittal of the officer brought to trial, I have been much blamed for having instituted those proceedings. Sir, I am quite willing to take my full share of whatever blame may be attached to that transaction; but I beg that it may be clearly understood, that, on that occasion, I acted under the guidance—more or less by the advice, and certainly with the full sanction—of the general officer commanding the district. I shall first show to the House that, upon any emergency of the sort, I was bound, by the orders of the army, to consult the General commanding the district. The reprimand which I am about to quote upon a field-officer, in temporary command of a dragoon regiment in this country, about four years since, will prove to this House, to what danger I should have exposed myself had I not followed that course:—

"REPORT OF A COURT OF INQUIRY.

"That ——— acted injudiciously in not suspending all proceedings against ——— in relation to the military offence wherewith he was charged, and laying before the General of the district a full statement of the case of ———, and of the opinions so expressed by him, in order to obtain from the General commanding the district instructions applicable to the occasion."

And this officer was in consequence reprimanded in a General Order issued from the Horse-Guards in 1832, for "a deficiency in care, discretion, and judgment."

With the recollection of this reprimand, passed upon another officer, I consulted the general officer commanding the district upon every point, and so entirely did he concur with me in opinion relative to the conduct of the officer in question, that he transmitted to the Commander-in-Chief a special report on the subject, in which, after stating that that officer had conducted himself so improperly in his presence, that it was unfit and inexpedient that he should remain any longer in the 15th Hussars, he concluded by recommending Lord Hill to remove him from the regiment.

This was the ground-work of the court-martial, and when I was afterwards ordered to prefer charges against the officer, I submitted them to the general officer of the district, who revised and approved of them.

Why do I mention these circumstances? In order to prove to the House that if the bringing those charges against the officer in question was the cause of my removal from the command of that regiment, that surely I was treated with sufficient harshness and severity.

The officer was tried upon those charges. The general officer to whom I have already referred,—and who is still in command of the same district;—was the principal evidence upon the trial: the officer was honourably acquitted of all and every one of the charges, and upon that part of the subject, Sir, I shall not think it consistent with my duty to make any further observation. But if any hon. Member really thinks that I have not been treated with sufficient severity, I beg now to state to the House, that although there are numberless cases upon record of officers having been brought to trial and honourably acquitted, I am not aware that any commanding officer, after having acted as prosecutor, has ever been deprived of his command. I believe that there was no precedent for my removal.

The court-martial, after the acquittal of the officer brought to trial, proceeded to pass very strong animadversions upon myself as prosecutor; and I must now repeat what I have already stated in those official letters which have been printed, and laid before this House, that those animadversions were not borne out, or justified, by the evidence; neither were they afterwards sanctioned by the terms of the General Order which removed me from the command of the 15th Hussars.

"His Majesty has been pleased to approve and confirm the finding of the Court.

"Although it would appear, upon an attentive perusal of the whole of the proceedings, that some parts of the evidence might reasonably bear a construction less unfavourable to the prosecutor, than that which the Court have thought it their duty to place upon them; yet, upon a full consideration of all the circumstances of the case, his Majesty has been pleased to order that Lieutenant-Colonel Lord Brudenell shall be removed from the command of the 15th Hussars."

And this view of the case was afterwards corroborated by a letter, dated Horse-Guards, 22nd of February, 1834:—

"The King is graciously pleased to signify his satisfaction at the temperate and judicious manner in which your Lordship has, in that memorial, entered into the explanations which appeared to you requisite in consequence of the animadversions made on your conduct by the general court-martial lately held at Cork. His Majesty is further pleased to observe, that those explanations have tended to confirm the opinion which his Majesty has already expressed through the medium of the

General Order of the 1st instant,—namely, that some parts of the evidence adduced before the court-martial in question might reasonably bear a construction less unfavourable to your Lordship than that which the Court have thought it their duty to place upon them. It was on this mitigated view of the case, that his Majesty acted when he directed the removal of your Lordship from the command of the 15th Hussars, without proceeding to any measure which could affect your Lordship's place and rank in his Majesty's service."

This letter was written in answer to a memorial which I had submitted to his Majesty through the General commanding-in-chief, earnestly requesting that my conduct might be brought before a general court-martial, composed of officers competent to try an officer of the rank which I held in the army, or that my conduct might be investigated by a court of inquiry. I should have endeavoured to show, before either of these tribunals, that my conduct did not merit the strong animadversions passed upon it by a court-martial before which I was not upon my trial, and which was not competent to try me. I should have also shown, that the measure which was so severely animadverted upon by the Court, was not unprecedented in the service, although, perhaps, that would not be considered as any very strong justification of it.

Now, Sir, with regard to that measure, —I resorted to it only upon a few occasions during the time I commanded the regiment, under particular circumstances, and always on points of duty; neither did I desire that any secrecy should be observed, in proof of which I have to state, that I was the first to tell an officer, under my command, that I had adopted it.

But, Sir, I have been informed by the highest military authorities, that the measure which I resorted to was an objectionable one, and that the adoption of it was an error in judgment. Sir, I am bound to believe, and therefore to admit, that this was the case; and no officer could more deeply regret than myself, that in my zeal and anxiety to maintain the discipline and efficiency of that corps which I had the honour to command, I should have been guilty of an error in judgment,—but further than this I will admit nothing;—on the contrary,—I here firmly and confidently deny, before this House and before the public, that I ever committed any act during the time I have served in the army, which can reflect the slightest degree of discredit upon my character.

The good feeling and good opinion of all ranks in the army, not excepting the great majority of the officers who served under me in the 15th Hussars, have been manifested towards me in a variety of ways, which I will not occupy the time of the House by endeavouring to describe to them, further than by presently reading a few letters which I have received from some of the most distinguished general officers in the army, expressing opinions favourable to my re-appointment; but I must first take the liberty to quote, as briefly as possible, the proceedings of two or three courts-martial, to prove to the House, that neither under the circumstances of an officer brought to trial being honourably acquitted, or, even with the addition of animadversions passed upon a commanding officer who had acted as prosecutor, has it been the usual custom of the service to deprive a commanding officer of the command of a regiment. The first case which I shall read to the House, is a court-martial which took place in the East Indies, and I here beg to state that I shall give neither the names of the officers, the regiments to which they belong, nor the quarters in which they were stationed,—and it is rather a curious fact, that this court-martial took place in the very same month, and the same year, in which the court-martial was held in Cork.

"East-Indies.—It appears by the proceedings of a general court-martial, held at ——— in 1833, that Lieutenant ——— of the ——— regiment of Infantry, was tried on the following charges, namely—

"For conduct to the prejudice of good order and military discipline, and unbecoming, contemptuous, and insubordinate towards Lieutenant-Colonel ——— in the following instances, &c. &c.'"

The following is the sentence; namely,—

"The Court having found the prisoner, Lieutenant ———, of his Majesty's ——— regiment, or ——— regiment of Infantry, 'not guilty' of any of the criminal acts set forth on the foregoing instances, do therefore acquit him of the charge.

"The Court, in closing their proceedings, feel themselves imperatively called upon to record, that the foregoing charge originally preferred, and subsequently persisted in, arose from private feelings, and had not for its object the well-being of the service."

Which sentence was approved and confirmed as far as relates to the acquittal of the Lieutenant, but the animadversion upon the commanding officer was disapproved of by the Lieutenant-General commanding the presidency.

This sentence was read at the head of every regiment in the service, and the commanding officer retained his command. And what afterwards happened to this Lieutenant-Colonel? He was in temporary command of the regiment; and upon the senior officer, Lieutenant-Colonel ——, returning from the command of a province, he was himself brought to trial, and the following are the charges:—

> "Head Quarters, ———
> "East Indies, ——1834.
>
> "At a General Court-Martial, holden at ———, in the ——— 1834, Lieutenant-Colonel ———, of his Majesty's ——— regiment, was arraigned on the under-mentioned charge.
>
> "For disobedience of orders, and highly insubordinate and general disrespectful conduct, unbecoming the character of an officer, and a gentleman towards me when in command of the —— provinces, in the following instances, &c. &c."

Signed by the senior Lieutenant-Colonel.

> "The Court finds the prisoner guilty of 'disobedience of orders,' and of 'disrespectful conduct,' but acquits him of all other charges."

The following is the sentence:—

> "The Court having found him, Lieutenant-Colonel ———, guilty to the extent above stated, doth sentence him to be reprimanded in such a manner as the officer to whom these proceedings are to be submitted may see fit, and further specially to be admonished, to be more circumspect in future in his conduct towards his superior officers."

The Court then proceeded to animadvert upon the conduct of the prosecutor in strong terms, and the proceedings are approved by the Commander-in-Chief of the Forces in the East Indies.

Therefore this Lieutenant-Colonel stood, after the first general court-martial, in a similar situation to the one in which I was placed after the court-martial, held in Cork; he is afterwards himself brought to trial, found guilty of some of the charges, sentenced to be reprimanded in a General Order, which is read at the head of every regiment in the service, and I need scarcely add, that he still retains his command.

The next case I have to adduce is a court-martial held also in the East Indies.

> "At a general court-martial holden at ——, on ——— 1832, &c., Major ———, of his Majesty's —— or —— regiment of foot, was arraigned upon the following charges, namely.
>
> "1st. For highly unofficerlike and disrespectful conduct, in having suspended, and thus rendered ineffectual, a standing order of the regiment.
>
> "2nd. For conduct highly unbecoming the character of an officer, in having wilfully and knowingly made a false report, &c.
>
> "3rd. For conduct subversive of good order and military discipline, in having on or about the ——— last, ordered the officer of the main-guard to leave his guard, &c."

The Court acquitted the officer brought to trial of all these charges, and animadverted upon the conduct of the commanding-officer in the following terms:—

> "The Court cannot conclude their proceedings without expressing their regret, that the prosecutor did not adopt the means which he had at his command to ascertain how far the charges now investigated were susceptible of proof, before he resorted to the extreme measure of bringing an officer of Major ———'s standing and high character before a court-martial."

The above proceedings were confirmed, but disapproved of by the Lieutenant-General commanding the presidency.

The Major brought to trial was an officer of twenty-four years' standing in the service, and he and the same Lieutenant-Colonel are still doing duty together in the regiment.

The only other case which I shall adduce, is one to show, that commanding officers are sometimes severely reprimanded in General Orders, for errors in judgment, or negligence, without being removed from their commands. The following is a copy of a reprimand promulgated in a General Order, dated Horse Guards, ——, 1819, upon Lieutenant-Colonel ———, commanding the ———.

> "The Prince Regent considers such inattention and negligence in a commanding officer to be highly reprehensible and deserving of his marked disapprobation, which his Royal Highness has been accordingly pleased to command shall be communicated to Lieutenant Colonel ———.
>
> "The Commander-in-Chief directs that the foregoing charges preferred against Lieutenant Colonel ———, of the ———, together with the finding of the Court and the Prince Regent's pleasure thereon, shall be entered into the General Order Book, and read at the

head of every regiment in his Majesty's service.

"By command of
"His Royal Highness,
"the Commander-in-Chief,
(signed) "Harry Calvert,
"Adjutant-General."

These commanding officers were all left in command of their respective regiments: three out of four are still in command; the fourth was only removed in consequence of his regiment being disbanded.

I shall now proceed to read the letters which I have received from general officers relative to my re-appointment; but I must first, with the permission of the House, commence by reading a letter, which I received some time since from Major-General Sir Henry Bouverie, under whose orders I was stationed more than half the period during which I had the honour to command the 15th Hussars.

"Head Quarters, Northern District,
"Ledstone Hall, Pontefract,
"April 15, 1834.

"My Lord,—Your Lordship's letter of the 11th reached me here yesterday. I can have no hesitation in declaring that, with the exception of one occurrence, I had every reason to be satisfied with the conduct of the 15th Hussars, under your Lordship's command, during the period which they passed in this district, and that occurrence, which it is needless to say more about, was not, in my opinion, to be attributed in the slightest degree to your Lordship.

"With respect to the discipline of the regiment in quarters, and to its efficiency and appearance in the field, the riding and the precision and quiet with which the movements were executed when I reviewed the regiment, I cannot speak too highly; and if my testimony on these points, as well as to your zeal and unwearied attention to all parts of your duty as Commanding Officer, is acceptable to your Lordship, I beg that you will do me the favour to accept of it.—I have the honour to be, your Lordship's most obedient humble servant,

"H. Bouverie, Major-General.
"Lieut.-Colonel the Lord Brudenell, &c."

The next which I have to read is one from the present Master-General of the Ordnance, Sir Hussey Vivian:—

"O. O., Nov. 4, 1835.

"My dear Hardinge,—I know not how I can assist Lord Brudenell further than I have done, and that was by stating to Lord Melbourne that, as the circumstances that occasioned his removal from the 15th, took place whilst he was serving under my command, I was quite prepared to say, and would say, were I in the House of Commons, that I should be very glad to see him replaced in a regiment of cavalry. I told Lord Melbourne, and I at the time reported to the Horse Guards, that I never saw a regiment in finer order than the 15th, or an officer more zealous in the discharge of his duty, than Lord Brudenell; that he had faults, no doubt; for these he has suffered very severely, and is still suffering, and it would give me great pleasure to assist in restoring him to the service; and seeing no reason whatever why he should not return to the service,—on the contrary,—being of opinion that his case was, upon the whole, a hard one, I can have no objection to this, my opinion, being made known; of all men, perhaps, I have the greatest right to give an opinion, from the circumstance, as I began by stating, of my having commanded in Ireland when the general court-martial took place.

"Ever very faithfully yours,
"H. Vivian."

The next is an extract from a letter from Lieutenant-General Lord Strafford, lately a Member of this House, as Sir John Byng.

"London, November 8th, 1835.

"I cannot hesitate to commit to writing what I said to you, that if Lord Hill (who must be the most competent judge) should think fit to re-appoint you to a regiment, I should be ready to defend such re-appointment, either in Parliament or in private society."

The next is from Major-General Sir Frederick Ponsonby.

"March 20, 1836.

"My dear Lord,—I have given every consideration in my power to your case, and I must say that, in my humble opinion, you have been treated with great severity; and if you are not permitted to effect the exchange into the 11th Dragoons, you will be treated with positive injustice.

"I gave you this opinion in December last, and I am strengthened in the belief, that it is correct, from having conversed with many officers of all classes in the army, and I have found scarcely any one who has differed in opinion with me.

"Believe me, very sincerely yours,
"F. Ponsonby, Major-General."

And the last is from Major-General Sir Edward Blakeney, at present commanding the forces in Ireland, under whom I was for some time stationed, and who inspected the 15th Hussars under my command:—

"Dublin, April 28, 1836.

"My dear Lord,—I have had great pleasure in seeing that the General Commanding-in-Chief has recommended you to his Majesty for restoration to full pay, and your consequent appointment to a lieutenant-colonelcy in the 11th Light Dragoons.

"In field movements, and the ready application of cavalry, I considered you one of the most intelligent officers that served under my orders; and I confidently anticipate, from your experience of the past, and the judicious application of your zeal for the service in future, you will prove to the army at large that you are deserving of the act of justice Lord Hill has performed, in recommending your restoration to full pay.

"With wishing you, my dear Lord, every success, believe me always very faithfully yours,

"EDWARD BLAKENEY."

These are the general officers who are favourable to my re-appointment to active service; their high characters and distinguished services are well known to the public; and no person who has listened to their names can suppose that party-bias could have influenced their favourable opinions with regard to myself.

And, Sir, I may here state, that the opinions therein expressed, as far as they relate to the 15th Hussars whilst under my command, are only confirmatory of all the Reports which were addressed to the Commander-in-Chief by the different general officers who inspected the regiment previous to the court-martial in question.

And, perhaps, I may here add to the testimony of these general officers one other circumstance—that, immediately after the close of the proceedings of the court-martial at Cork, the general officer (Sir John Buchan) who had presided on that occasion, gratuitously made a request to inspect the service squadrons of the regiment under my command (for the regiment had been for some time under orders for Portugal), when, after a more than usually minute inspection, he expressed himself in the strongest terms of approbation. Undoubtedly, Sir, the great portion of that praise was addressed, as it was justly due, to the distinguished regiment under my command: but, perhaps, it was excusable in me, as the commanding officer, to take to myself some small portion of it; and it was under this impression that, when that general officer left the garrison of Cork, I felt confident that he entertained a very favourable opinion of me as a commanding officer.

Sir, there are many cases upon record, both in the navy and army, of officers who have been reinstated by the King's prerogative—some, after having been dismissed the service by sentence of courts-martial, others, after having had their names erased from the Army List, by the prerogative of the King. I am well acquainted with some of the circumstances of these cases: but as the faults of those officers have been forgiven by their Sovereign, and probably forgotten by the public, I think it would be an invidious course for me to drag their names again before the public; and, therefore, I shall refrain from doing so, whatever advantage I might possibly thereby derive in point of argument.

The House heard, upon a former occasion, the candid and manly statements of the noble Lord, the Secretary of State for the Home Department, and the noble Lord, the Secretary-at-War, relative to the understanding which was come to between the Commander-in-Chief and the Secretary-at-War, at the time I was placed upon half-pay, with regard to my eligibility for future employment. Until then, I was not aware of that circumstance:—but I do not hesitate to say, that unless I had felt confident that after a certain period of time I should be restored to my former position in the service, I should have resigned my commission; for, Sir, it is not to be supposed that unless I am fit to serve the King in the profession to which I belong, that I could derive any satisfaction from having my name left on the Army List, and continuing to draw half-pay from the public purse.

Sir, it is under these circumstances that the General Commanding-in-Chief has recommended his Majesty to appoint me to a second lieutenant-colonelcy in the 11th Light Dragoons, stationed in the East Indies.

Having made this statement to the House, in which it has been my most anxious desire to pay all due respect to the King's Prerogative, as well as to the noble Lord who holds the situation of Commander-in-Chief, and feeling that I have nothing more to add, I shall think it the more proper course for me to withdraw from the House during the further discussion upon a subject which is personal to myself; but, Sir, before I do so, I must return my thanks to the House, for the kindness and attention with which they have been pleased to listen to this my statement of details—details which I am aware must be very uninteresting to the great majority of the Members of this House, but which relate to a subject of the greatest importance to myself, as being intimately connected with my honour and character, which are as dear to me as life itself. [*The noble Lord left the House.*]

Viscount *Howick:* I feel sure, Sir, from the tone this discussion has already taken, that the House entertains much the same opinion as I have myself adopted of the course pursued by the hon. Baronet, and that they think with me, that he has submitted the present motion rather with the view of placing a formal question before the House, on which to raise a debate, than with any serious intention of calling upon the House to accede to the terms of the proposition he has submitted. The hon. Baronet has moved for a Committee to inquire into the conduct of the Commander-in-Chief, who has appointed the noble Lord (Brudenell) to the lieutenant-colonelcy of the 11th Dragoons. I believe most Members of the House are aware that the motion which the hon. Baronet has now submitted to the House, is not the one of which he originally gave notice. Almost every gentleman, who hears me, is aware that, in the first instance, the hon. Baronet gave notice of a motion, not for a Committee to inquire into the proceedings of the Commander-in-Chief, with reference to this subject, but of a direct vote of censure upon that officer. The hon. Baronet has, however, departed from his original intention, and has substituted for the motion of which he at first gave notice, that which he has just now submitted to the House. The hon. Baronet has not stated to the House his reasons for this alteration; but I think, in the course of his speech, he afforded sufficient indication of what those reasons were, and if I do not greatly mistake their nature, he has acted quite rightly in withdrawing the motion he originally proposed.

I conceive, Sir, that the hon. Baronet was influenced by the consideration that a motion for a vote of censure upon Lord Hill, for appointing the noble Lord to this commission, could be considered in no other light than as a vote of this House, pronouncing that noble Lord unfit, for evermore, to serve his Majesty. The hon. Baronet felt that such a vote would necessarily bear this construction; and natural considerations of justice and equity at once made him sensible that the proceeding would be one of such monstrous and crying injustice, that he could never, for one moment, call upon the House to accede to it. Because, Sir, what is the position in which the noble Lord stands? He was, it is true, openly censured by the court-martial, and it is equally true that, in pursuance of that censure, he was removed from the command of his regiment; but as I said on a former occasion, and as the papers before the House clearly bear me out in stating, it was, at the time of his removal, most distinctly understood that he was not to be considered as a person unfit ever again to serve his Majesty. The whole of the correspondence proves this fact in different ways. In the first place, the Commander-in-Chief and my right hon. Friend near me had, most properly, only a few months before, come to the distinct understanding, that no officer, who was considered unfit ever again to serve his Majesty, should be placed upon the half-pay list—that the half-pay list, to use the words of my right hon. Friend, should not be made the refuge of officers removed from the service on account of their misconduct. More than this, Sir, in the letter in which the King's pleasure respecting Lord Brudenell was formally communicated to the Secretary-at-War, it was distinctly stated, that his rank and place in the army were not affected by that proceeding. Under these circumstances, I apprehend, it is quite clear that the noble Lord was not considered, at that time, as removed from the army, and I am quite satisfied that the hon. Baronet felt, that—not having been visited with the punishment of removal—it would be the very height of injustice, if, without any opportunity of being heard in his own defence, the noble Lord were to be adjudged to suffer a punishment of such severity, not by the sentence of a court-martial, but by the vote of a popular assembly, in which subjects of this nature cannot possibly be discussed with that fairness and that temperance which are so essential to their impartial consideration. Well, but the hon. Baronet has asked, why Lord Brudenell was not, at the time, brought to a court-martial? I will fairly admit to the hon. Baronet, that I am not in the slightest degree acquainted with the reasons of his not having been brought to a court-martial. All I know is, that the noble Lord applied for a court-martial, and that the court-martial was refused; but that if it had been granted, and he had been brought to a general court-martial, the severest sentence that would have been passed upon him would have been, in all probability, the very one which he underwent. I ask the House,—the noble Lord having applied for court-martial, and that court-martial having been refused—I ask, whether it would have been just to him if he were afterwards told that he was condemned by a parenthesis in the finding of a court-martial,—a court-martial on another officer,—without the noble Lord's being called upon to offer any of those explanations of his conduct, of which, from what we have heard in the House to-night, there can be no doubt that it is to a greater or less extent susceptible? I do not say whether those explanations would be satisfactory or not; on the contrary, I, for one, have thought it my duty carefully to abstain from even reading the evidence on this subject. I have felt that I had no right to do so, or to form my opinion on such grounds, when the officer implicated had no opportunity of explaining himself, and was not called upon for his defence. I say it is impossible, on the finding of the court-martial, conveying the censure, which I admit it does, without having heard the noble Lord, to come to a resolution that would, in fact, subject him to the punishment to which he would have been justly subjected, had he, after a full, fair, and adequate opportunity of explanation, been found guilty of the misconduct imputed to him. The hon. Baronet then, feeling that for these reasons it would not be an act of justice to the noble Lord to come forward with so severe a Resolution as he at first contemplated, alters his motion; and what is it that he now proposes? A Committee of Inquiry. A Committee to inquire into what? Not, be it remembered, into the failure of the Commander-in-Chief to visit with due severity the offence of Lord Brudenell, supposing any to have been committed, but to inquire whether the Commander-in-Chief has or has not properly exercised his discretion in restoring the noble Lord to full pay. In what manner this inquiry is to be conducted, I own, I am altogether unable to understand. What facts are the Committee to elicit, of which we are not now possessed? Let me ask the hon. Baronet what he proposes that the Committee shall do? This House, indeed, can at once censure the appointment; but if it shrink from performing this act itself, will it delegate to a Select Committee the odious act which it will not take upon itself? Does the hon. Baronet want a Committee to condemn the appointment?—[Sir *William Molesworth:* For the purpose of inquiry.]—For the purpose of inquiry! Yes! but with what view is it to inquire into the appointment? With a view to condemn it; or with a view to approve of it?—[Sir *William Molesworth:* Either the one or the other.]—The hon. Baronet says either the one or the other. He will not ask the House to appoint a Committee with a view to no condemnation, because it is evident and palpable to everybody, that this means nothing at all; on the other hand he will not appoint it with a view to censure, because that is only another way of committing injustice. If the hon. Baronet proposes a Committee of this kind, that Committee, if appointed, could only be considered as appointed to re-try the case—as a Committee appointed to do that which, if it ought to have been done at all, should have been done by a court-martial. Well, Sir, then the hon. Baronet says that a court-martial ought to have been appointed for the purpose. As I said before, I am not here to express any opinion upon that point, either for or against the propriety of such a step. Of course I was not in office at the time, and I am not aware what were the considerations on which the prayer of the noble Lord was rejected. But I say, the court-martial having been refused, this House having taken no proceeding to insist on that court-martial being summoned, and this House having been perfectly aware, all along, that the noble Lord was placed on the half-pay list, we have no right now to go back; to declare that a different course shall be pursued; and that the noble Lord shall be tried—not by a fit and proper tribunal, to take cognizance of military offences—but by a Select Committee of the House of Commons. I believe it is generally admitted—I have not heard it disputed by any one—that under the circumstances in which the noble Lord was placed on the half-pay list, he was not necessarily to be considered as a person incapable of all future employment in his Majesty's service. The moment this is admitted, the question simply becomes one as to the exercise of discretion by the Commander-in-Chief, in selecting this particular officer for employment. Is there any ground whatever for imputing misconduct to him? If there be, then I admit a Committee of Inquiry would be the proper and legitimate resort; but if there be not, it certainly does appear to me that there are no Parliamentary grounds whatever for instituting the inquiry which the hon. Baronet proposes. Although the whole of the latter part of the hon. Baronet's speech was occupied with the individual case of Lord Brudenell, the earlier portion of it bore on a totally different subject. The hon. Baronet said, that there must be some responsibility for the manner in which all the functions of the Crown are exercised. No man can possibly dispute the soundness of that doctrine. It is a position in which I, for one, most cordially concur.

My noble Friend distinctly proved, on a former evening, that there is a person responsible for the exercise of all the functions of the Crown in this House. The Commander-in-Chief is the person who is responsible for individual acts connected with the management and control of the army. No acts connected with its regulation can take place but by his advice and his recommendation, and for his conduct in advising and recommending the Crown he is most distinctly responsible. Beyond this, as my noble Friend has justly observed, the Members of the Government in this House are distinctly responsible for continuing the Commander-in-Chief in his office. I admit to the hon. Baronet that there is a distinction between the responsibility of the administration for the time being for the conduct of the Commander-in-Chief, and the responsibility he bears for the acts of those officers who are more immediately connected with the Government. The hon. Baronet, in the opening of his speech, stated this point very fairly. He said that so long as the general conduct of the Commander-in-Chief,—(to which he himself admitted no objection could be made in the present instance, inasmuch as he conceded that he had no fault to find with it,)—that so long as the general conduct of the Commander-in-Chief was unimpeachable, so long the Government of the day were justified in maintaining him in his office. But, says the hon. Baronet:—

> "This is not a sufficiently close and stringent responsibility—I want a different kind of responsibility—that kind which consists in an officer being here, in this House, to answer any question and meet any objection that may be made to the exercise of any particular power of the Crown committed to the department over which he presides—I want somebody like the Secretary for the Colonial Office, or the Secretary for the Home Office, to answer for the acts of the Commander-in-Chief."

Upon this question I can only say, that whenever the hon. Baronet chooses to bring it before the House, it will be perfectly open for its inquiry and consideration. If he be dissatisfied with the existing state of things in this respect, he may suggest a remedy, and bring it specifically under the consideration of the House; but I say that upon the present occasion I will not debate the question. I will not commit so great a cruelty and so great an injustice towards an individual, as to debate, under his name, a great general question. If the system be faulty, let the system be attacked, and let the system be changed; but do not let us try to wound the system through the side of an individual—do not let us, under another pretext, aim at an individual Member of this House, and an officer, who, I am sure, every Gentleman must feel, from what has passed in this House, has already suffered most severely. I say, do not let us punish him for the purpose of introducing such a change of system as we may, on general grounds of policy, hold to be expedient. That is an entirely separate and distinct question. It is one on which I think, in the present case, it would be an act of injustice towards the noble Lord whose name is involved, if I were in the slightest degree, one way or other, to pronounce an opinion. For these reasons it appears to me that the Committee which the hon. Baronet has asked for is one which cannot be granted. The only real, tangible, and useful object for which that Committee can be required, is the establishment of some general change of policy. If an inquiry of that description be required, it is not the motion the hon. Baronet has made; and I therefore call upon the House not to give their assent to a motion which cannot be considered otherwise than as a censure passed upon an individual who has not had a fair and legitimate opportunity of being heard in his own defence.

Lord *George Lennox:* Seeing so many hon. Members anxious to speak upon the present question, I shall detain the House only for a very few moments. The hon.

Baronet, the Member for Cornwall, has stated that the decision of the court-martial must be either correct or incorrect. Now, Sir, I boldly avow that, in my opinion, their decision was incorrect: but at the same time, I beg not to be misunderstood, and that I attribute no improper motive to any member of that court-martial, who, I have no doubt, were actuated by most honourable feelings, but I maintain that they have, by their decision, fallen into error. I find they state that "his (Lord Brudenell's) conduct has been reprehensible in advancing such various and weighty assertions to be submitted before a public tribunal without some sure grounds of establishing the fact." Now, Sir, what are the facts? There were six charges preferred against Captain Wathen. The three first were revised and approved of by Major-General Sir Thomas Arbuthnot. Nay, more than this; the three first charges were supported on oath by Major-General Sir Thomas Arbuthnot, and corroborated by the evidence of Colonel Turner and Captain Cochran, the Major-General's aide-de-camp. Now can it be said Lord Brudenell's conduct has been reprehensible in advancing such weighty assertions, and that he had not some sure grounds of establishing the facts, when the charges were not only supported by the evidence of the Major-General commanding the district, but brought forward by his order? The hon. Baronet has also stated that Lord Brudenell's promotion has been most rapid, and that he has obtained the command of his regiment after having been only six years in the service. I admit that Lord Brudenell has been most fortunate, and his promotion most rapid; but it must be remembered that he has obtained that promotion by purchase, and in his own regiment, and when he has been the senior officer for purchase; that he has never been jobbed from regiment to regiment to obtain promotion, or put over the heads of older officers, but has obtained it by being the senior for purchase in his own regiment. I shall only add, that, for my own part, after twenty-four years' service, I should be proud, indeed, to be able to produce such high testimonials as Lord Brudenell has this night produced, and which must be the more gratifying to that noble Lord, coming as they do from some of the most distinguished officers in our service.

Mr. *Hume* was anxious to state to the House how much he differed from the noble Lord, and how completely the noble Lord had, in his opinion, established grounds in favour of the inquiry which he opposed. The noble Lord, the Secretary-at-War, was not the only hon. Member who had done this. The noble Lord who was the object, as some considered, but whom he did not consider the object of that motion, had made statements to the House which induced him to think that he had good reason to complain that he had been very ill-used, and that an inquiry was due, in justice, to him. The noble Lord who had spoken last, had brought forward a new point. He had told the House that the court-martial had acted improperly, and that persons who supported, on oath, the charges brought against an individual officer, had given a verdict in opposition to the evidence. The noble Lord in thus impugning the conduct of the most hon. tribunal that could be established for the trial of military offences, had, in his (Mr. Hume's) opinion, made out a case for inquiry. He would only add on this point, once for all, that in his opinion the noble Lord (Brudenell) had made out a case of great grievance. He was undoubtedly unfortunate in bringing forward charges which, in the opinion of the court-martial, were not substantiated; but he did think, from the noble Lord's own statement, that there were grounds of complaint against Lord Hill's exercise of discretion. He (Mr. Hume) had no hesitation in saying that, for himself, the complaint he made was principally against Lord Hill, for having, as Commander-in-chief, sanctioned the verdict of the court-martial, and proclaimed its sentence, in the terms they had heard that night, at the head of every regiment in the service, and now coming forward and re-appointing the noble Lord, without any explanation to satisfy the minds either of officers or men that that sentence was a harsh and unjust one on the noble Lord. He now wished to address himself to the observations of the noble Lord, the Secretary-at-War, relative to the alteration in the motion of his hon. Friend. His hon. Friend had undoubtedly departed from his original intention—and why? Because, not having paid attention to the practice of the House in former instances, when it had exercised its undoubted right of instituting an inquiry into similar transactions, he found that he might have been met with an objection on a point of etiquette and form had he adhered to his original motion, and moved for an inquiry, not only into the circumstances of the appointment, but of the disgrace of the noble Lord, by his removal from the command of the 15th Hussars. The course his hon. Friend had now taken, was warranted by what had taken place in 1788, on a charge brought in that House against the Admiralty for having passed over several officers in a promotion, which was discussed on three occasions. He would quote the opinion of two of the first men whom the House would be disposed to follow, as far as regarded the precedent. The case on which he rested the justification of the hon. Baronet was this :—A motion was brought forward by Mr. Bastard for a select committee to inquire into the conduct of the Admiralty, and the discussion was terminated by the rejection of the proposition, though certainly not by a very great majority. Both Mr. Pitt and Mr. Fox condemned the conduct of the First Lord of the Admiralty. The motion which Mr. Bastard then brought forward was, "That it be referred to a committee to inquire into the conduct of the Admiralty in the late promotion of Admirals." On that occasion Mr. Pitt said, that "the present was the proper mode of proceeding, and that the House had a constitutional power of inquiring into the conduct of any department of Government, with a view either to censure or punishment, was unquestionable, and whenever a case was made out strong enough to warrant suspicion of abuse, that deserved either censure or punishment, he should ever hold that to be the indispensable duty of the House to proceed to inquire." Mr. Fox on that occasion said, that "the motion being a motion for a committee he should vote for it; because it was the constitutional province and the undoubted duty of that House to watch over the executive departments, and, where they had cause to suspect abuse, to institute an inquiry, with a view either to censure or to punishment." Taking the opinions of these two eminent statesmen for his guide, his hon. Friend, the member for Cornwall had an undoubted precedent on which to proceed on the present occasion. The House had now only to inquire whether it had a case such as Mr. Pitt and Mr. Fox both alleged to be sufficient to justify inquiry—namely, a case which warranted suspicion that the conduct of the Commander-in-Chief had not been such as that House would be prepared to sanction. He asked the House to consider what effect the re-appointment of Lord Brudenell to the command of a regiment, after the sentence of a court-martial had led the Commander-in-Chief to remove him publicly from the command of another regiment, would have on the private soldiers of the British army. Hon. Members had defended flogging a few nights ago in that House, on the ground that it was necessary to maintain the discipline of the army. How could that discipline be maintained when the privates saw an officer re-appointed to a regiment, who had been removed from another regiment as unfitted to command it? Hon. Members might not like the contrast which he was going to draw between the mode pursued by the Commander-in-Chief to maintain discipline among the officers in the army, and the mode pursued to maintain it among the privates. He contended that Lord Hill as Commander-in-Chief had done great injury to the army by promoting an officer on whom a court-martial had infixed so severe a censure. He admitted that Lord Brudenell had not been permitted to defend himself before that court-martial. He admitted also that Lord Brudenell had shown a proper sense of what was due to his own character, by demanding that his conduct should be submitted to the consideration of another court-martial. When the noble Lord asked for that court-martial, he ought to have had it granted to him, and Lord Hill had, in his opinion, treated the noble Lord with great harshness in refusing it. He said that Lord Hill had refused to grant Lord Brudenell the court-martial for which he asked; for Lord Fitzroy Somerset, in reply to Lord Brudenell's letter, which he stated had been laid before the General commanding-in-chief, used these words; "There is nothing in what you have now brought under his Lordship's notice which would justify him in re-opening the question, or in recommending that the decision which has been come to upon it should be reversed." What were they to conclude from such language, except that Lord Hill considered the conduct of Lord Brudenell to be such as the sentence of the court-martial had described it to be —that he was not inclined to reverse it, and that he had therefore removed the noble Lord from the command of his regiment? He believed that it was a regulation well-known in the army, that an officer who was deemed unfit to perform the duties of his station in one regiment, was also deemed unfit to perform them in any other. If that were so, then he contended that Lord Hill's conduct in re-appointing Lord Brudenell to the command of a regiment, exhibited a want of that due attention which justice required to be paid to the officers of the army, and in the maintenance of discipline set a very bad example to the private soldiers. It would be impossible to maintain discipline among the private soldiers, if they allowed the General commanding-in-chief to declare in one day, in front of every regiment in the service, an officer guilty of unofficerlike behaviour, and to re-appoint him on the next to a high command, without making any attempt to remove from his character the stigma which the previous declaration had cast upon it. He maintained, that under all the circumstances of the case, the House must come to this conclusion, that Lord Hill had not made this appointment upon principles of justice, but upon grounds of private favour and partiality. [*"No, no"*] Had Lord Brudenell been a poor unsupported subaltern, instead of being the son of a powerful nobleman, would Lord Hill have dealt so favourably with him as he recently had done? Lord Hill, he insisted, had either been guilty of injustice towards Lord Brudenell, in not granting him a court-martial, or, if he thought the sentence of the former court-martial could not be reversed, had been guilty of injustice to the service, in placing an incompetent and incapable officer at the head of a regiment. Lord Brudenell had read to the House several letters from officers of high military rank, declaring that they were dissatisfied with the sentence which the court-martial had given against him; but surely the House would not consider those letters, however respectable the authors of them might be, as equal in authority to the sentence which thirteen officers had given upon their oaths. In point of fact, those letters did not apply at all to the merits of the present case, and did not shake in the slightest degree the justice of the sentence. If Lord Brudenell had been harshly used, and he did not mean to say that his Lordship had not been harshly used, who was it, he would ask, that had used him harshly? Who but the General commanding-in-chief? The noble Lord who filled the office of Secretary-at-War had taken great pride to himself, in the speech which he had delivered against the present motion, for not having read any part of the evidence produced upon the court-martial. To him it appeared that the noble Lord had taken pride to himself for a circumstance which he ought to have been most reluctant to acknowledge. Filling the situation which the noble Lord did, it was his duty to have made himself master of the whole of that evidence, and the House had a right to expect from him (Lord Howick) an expression of opinion upon it. The noble Lord ought to be responsible to the House for appointments like the present. We ought not to have a Commander-in-Chief whom nobody knows. It was with a view of ascertaining by whose authority Lord Brudenell had been re-appointed to the command of a regiment, and whether it was by the authority of the noble Lord, that the present motion had been brought forward. He now, therefore, came to the conclusion that the motion of his hon. Friend, the Member for Cornwall, ought to be supported—1st, because it was conformable to precedent; 2nd, because there was no other tribunal competent to inquire into the merits of this appointment; 3rd, because Lord Brudenell asserted that he had been denied justice; and lastly, because Lord Hill had set a bad example to the army in placing at the head of a regiment, without any additional inquiry, an officer who had been declared, but two years ago, by a court-martial, whose sentence was read to every regiment in the service, incapable and unworthy of command. [*"No, no."*] If a committee were granted to him, he would undertake to prove before that committee other instances of gross partiality and oppression on the part of the Commander-in-Chief. Why did hon. Gentlemen opposite murmur when he said this? Because they were afraid, that if a committee were granted to him, he should prove all his allegations before it. He admitted, that in his private character no man stood higher in his estimation than Lord Hill; but in his official character, in his management of the patronage of the army, Lord Hill set a bad example both to officers and privates, by rewarding with one hand the man whom he punished with the other. [" *Oh, oh!*"] Hon. Members might cry out "Oh, oh," as long as they pleased; but to all such cries he would persevere in answering "Yes, yes." Why did hon. Members opposite contend for the continuance of the use of the lash in the British army? Only because they said that it was necessary for discipline; therefore he contended that the same degree of discipline that was measured out to the high officers of the army should be carried downwards to the privates. The most ample grounds had been laid for inquiry, and he hoped that the House would do justice to its own character, and to all parties by granting it.

Sir *Henry Hardinge:* I do not mean, Sir, but for a very few minutes to interfere with the natural impatience of the House to come to a division upon this subject; for there is no doubt that that impatience has been universally expressed, both before and after the hon. Member for Middlesex sat down. I do not mean to follow that hon. Member through his unconnected and somewhat contradictory speech. Indeed, it would be difficult to follow him in his praise of Lord Hill for his private merits, and through his dispraise of Lord Hill for his official demerits;—in his eulogies upon Lord Hill as an honest and independent man in private life, and in his accusations of that noble Lord as a Commander-in-Chief, influenced by his love of the nobility and by his oppression of the poor unsupported subaltern. All these topics of praise and dispraise, of eulogy and censure, have been so oddly dovetailed one into the other in the hon. Member's speech, that I fairly confess it is beyond my comprehension how these glaring contrarieties can be made to cohere at all together. It is no easy matter, then, to follow the hon. Member through the various topics of his incongruous speech, and, for my part, I will save the time of the House by not attempting so unprofitable a task. Still there are some points in the observations of the hon. Member, to which I must be permitted briefly to advert. The hon. Member has taken pains to collect the different circumstances of the Admiralty case, in which those illustrious statesmen, Pitt and Fox, are stated to have concurred in the opinion, that the House had a right to inquire, when circumstances strongly warranted a suspicion, that the mode in which the patronage of the different public Boards was managed, was by gross partiality and corruption. Now, I will briefly inform the House in what respect the case to which the hon. Member has referred differs from the case which is now before the House. The Admiralty case was a case of patronage—the present case is a case of discipline. It is not the province of this House to inquire into the discipline of the army. The Legislature passes the Mutiny Act, by which the King is empowered to make Articles of War for conducting the discipline of the army. The discipline of the army is vested in the King, and not in Committees of the House of Commons. If this House should be of opinion that the patronage of the army is disposed of corruptly by those in whose hands it is placed by the King, it would be a just and legitimate exercise of its powers, on a strong case of corruption being made out, to inquire into the manner in which that patronage is managed; but this case, being a case arising out of the sentence of a court-martial, is not one of patronage, but is a mere matter of discipline. What are the facts? A court-martial was held, an officer was accused, and was acquitted, and the conduct of the prosecutor was animadverted on severely in the finding of the Court. The Commander-in-Chief, it is said, assented to the animadversions made upon the conduct of the prosecutor at the time the sentence was confirmed, and, therefore, it is argued that he has acted inconsistently in now restoring the prosecutor to the full pay from which he was removed. On the contrary, I assert that the Commander-in-Chief never gave his unqualified assent to the animadversions of the court-martial on the prosecutor. He did, indeed, assent to the sentence of acquittal upon Captain Wathen, which was pronounced by thirteen officers of rank, acting under the solemn responsibility of an oath; but in the General Order, promulgating the sentence of the army, it is distinctly stated, that the evidence will bear a construction less unfavourable to Lord Brudenell, than that which the Court have put upon it. I will not impugn the justice of that sentence, for, as the noble Lord, the Secretary-at-War, has well observed, that is quite foreign to the question now before the House. I will give Captain Wathen the full benefit of his acquittal by that court-martial. But when that court-martial, having fulfilled their duty, which was to to try Captain Wathen, and not Lord Brudenell, travelled out of its proper course to censure Lord Brudenell, who was not on his trial, and was never heard in defence, I trust that the House will not consider me as saying too much when I assert that, in that respect, they came to an erroneous decision. My opinion is decided on that point. I think that the animadversions made by that court-martial upon the motives and conduct of Lord Brudenell, were made on a mistaken view of Lord Brudenell's proceedings, and an exaggerated impression of the evidence. First, with regard to the motives of Lord Brudenell in instituting the charges against Captain Wathen,—they state that "they cannot ascribe them solely to a wish to uphold the honour and interests of the army." Now, I contend that there is not a tittle of evidence to support that allegation. It is an allegation made without evidence—it is a mere suspicion—it is an impression produced by the nature of the defence made by Captain Wathen—it is an impression not supported, but contradicted, by the evidence and all the undisputed facts of the case. In my opinion, the Court proceeded on suspicion and not on evidence, in attributing motives to Lord Brudenell on a point where his conduct in making the charges against Captain Wathen were actually approved and recommended by his superior officer, the Major-General of the district. Then they call that "a system" and "a practice" which, according to the evidence, was not done in more than a single instance. They complain that Lord Brudenell listened to a junior officer, and examined non-commissioned officers and soldiers, with a view of learning how the officers executed their duty; and this they stigmatize as a practice most dangerous to the discipline of the army. I am convinced that if Lord Brudenell had known that he was on his trial, and was to be censured for this single act, and had been openly and fairly examined by the Court upon that point, he could have satisfactorily explained to the members of the Court that what they, contrary to evidence, term his "practice," was not his "practice"—that it was a solitary act, in which he was justified by the peculiarity of the case—that it was the only act of the kind that he had committed during the two years in which he had been in command of the regiment; and that which was called his system and his practice, was in reality no system, no practice, but was an act which the conduct of Captain Wathen justified him in adopting. I could, in like manner, go into other details, but the able statement of my noble Friend himself has rendered such a course unnecessary. It appears, however, to me, that the object of the present motion is to attack the conduct of Lord Hill, rather than that of Lord Brudenell. The merits, however, of Lord Hill's administration of the army are too well known to the House to require any vindication on my part; they have recently been admitted by his Majesty's Government, and the House at large, and I shall therefore leave the imputations which have been made against it, without any reply, under the full conviction that none is required. The House will, perhaps, do me the kindness to recollect, that I have, upon all occasions, objected to the practice of converting this House, being a popular assembly, into a court of appeal from the decisions of courts-martial; but as some doubts have been expressed as to the intentions of Lord Hill, when he removed Lord Brudenell from the command of his regiment, in consequence of the sentence of the court-martial, it may, perhaps, be as well to explain why I have said, that Lord Hill did not assent to the justice of the animadversions of the Court upon Lord Brudenell's conduct. In the General Order, announcing that his Majesty had been pleased to confirm and approve of the sentence of that court-martial, the Commander-in-Chief stated very distinctly, that "upon an attentive perusal of the whole proceedings, it appeared that some parts of the evidence would reasonably bear a construction less unfavourable to the prosecutor than that which the Court had thought it their duty to place upon them." This appeared to me, at the time, to be tantamount to a declaration on the part of Lord Hill, that he did not assent to the animadversions which the court-martial had passed upon Lord Brudenell. This, my impression, was confirmed by the correspondence which passed on this subject between the War-Office and the Horse-Guards, when Lord Hill placed Lord Brudenell's name upon the half-pay list, because he could not have been placed upon half-pay unless it was with the intention of restoring him to the service after he had suffered some time the penalty of being removed from activity to inactivity. In fact, the harmony of the regiment seemed to the Commander-in-Chief to justify the removal of the commanding officer; but it is very evident from the correspondence, and the refusal to grant Lord Brudenell a court-martial, that it never was intended to remove Lord Brudenell permanently from the active duties of his profession. To restore him, from the command of the 15th Hussars to the second lieutenant-colonelcy of the 11th Light Dragoons, cannot, therefore, be deemed an act of patronage, but is simply an act of discipline, resulting from a court-martial, on the details of which this House, or any Committee of this House, ought not to sit in judgment. This view of the question is capable of proof, and appears from every part of the correspondence.

Though I came down to the House prepared to enter fully into this part of the subject, I am not disposed to detain the House in its present temper of decidedly negativing the motion. I am also equally indisposed to enter into the other question which has been mooted, somewhat irregularly, this evening, as to the duties of the Commander-in-Chief, and his responsibility to this House in the performance of his duties. I will avow, at once, that in my opinion, the Commander-in-Chief ought not to be a political character. He ought to manage the army without reference to political bias; and the best mode of securing that freedom from political bias in the Commander-in-Chief is by taking care not to make him a political character. If you make him a political character, it is all but impossible that political motives will not interfere with the impartial discharge of the duties of his office. As to the motion of the hon. Member for Cornwall, "that a Select Committee be appointed to inquire into the conduct of the Commander-in-Chief of the Forces in appointing Lieutenant-Colonel Lord Brudenell to the command of the 11th Light Dragoons," it is, in reality, a motion to censure Lord Hill for an act of discipline—not for any misconduct in the exercise of his patronage, for there is no patronage in the case. It is, therefore, a motion calling upon the House, and on very slender grounds, to take under its charge the discipline of the army—to usurp one of the most ancient and most important prerogatives of the Crown, and to do that which has not been attempted by any Government, or Parliament, in this country, since the year 1642.

I will suppose, for the sake of argument, that the hon. Member has carried this his most unconstitutional motion. I will suppose that he has obtained his Committee. The hon. Member has already before him all the details of this transaction; but he may say,—when Lord Hill appears before the Bar of the Committee, and alleges that he has meted out justice to Lord Brudenell by punishing him for a time, and by restoring him afterwards to his rank and duties, on the ground that he never intended to ruin Lord Brudenell's prospects in the army; that the case did not require his removal from the service, and that he has been already severely punished; the hon. Member may say—he is not satisfied with that explanation, and that he wishes the members of the court-martial to be summoned before him, to explain the grounds on which they passed those animadversions on the motives and conduct of Lord Brudenell. I will next suppose that my gallant and valued friend, the president of the court-martial, and the hon. and gallant Member for Rye, who was also a member of it, are called before this Select Committee, sitting in judgment on Lord Hill on a professional question of military discipline. To the first question which the hon. Member for Cornwall would put to the president, he would reply, "This Committee is neither a court-martial nor a court of law. I have taken an oath not to disclose to any person any of the opinions or votes of the members of the Court which have come to my knowledge, and with all deference, I cannot, and I will not reply to your question." The necessity of secrecy is so binding on the members of the court-martial, that they can only be absolved from their oath by a court-martial or a court of law; and my feeling on this point is so strong, that when I was asked on a former evening by the hon and gallant Major opposite, who was a member of the Court, whether I intended to impugn the finding of that court-martial, I declined to answer the question, from a feeling that, if I had impugned it, the hon. and gallant Major could not have disclosed any of the circumstances which might have formed its justification; but which would have disclosed his opinion and vote on those transactions. How then can the hon. Member for Cornwall hope to carry his case further than it is carried at present? The plain matter of fact is, that this Committee is intended to be nothing else than a fishing Committee to attack Lord Hill; for what said the hon. Member for Middlesex?—"If I get this Committee, I shall be able to produce other instances of partiality and oppression on the part of the authorities at the Horse-Guards."

This Committee, then, is to be a Committee to usurp the prerogatives of the Crown; such a Committee as no House of Commons has appointed since the sitting of the Long Parliament, and which, I trust in God, no House of Commons will be induced ever to appoint again. With regard to my noble Friend, Lord Brudenell, I could read to the House a letter from my gallant Friend, Sir Hussey Vivian, the Master-General of the Ordnance, speaking in the highest terms of his qualifications as an officer of cavalry; but, after the handsome testimonials which my noble Friend has this evening produced of his high character as an officer and a gentleman, any further addition would be a mere work of supererogation. I have no doubt that a question of this kind will not be decided by party feelings, but by that impartial spirit of justice which ought to characterize, and always has characterized, English gentlemen; but I beg to remind those who think that party considerations ought to overpower all others, that the majority of the testimonials which have been given to my noble Friend, proceed from officers of rank and station, who are not of the same party politics with my noble Friend, but who generally support or vote with the Members of his Majesty's Government. It may be said, that these testimonials being of recent date, have been given for a particular purpose,—to bolster up a weak case; but such a suspicion would be refuted by the evidence which could be furnished previous to the existence of the court-martial, from the inspection of Reports of every General-Officer under whom Lord Brudenell has served, and which constitute so many unexceptionable proofs of Lord Brudenell's ability to command a regiment; and, consequently, so many justifications for Lord Hill's exercise of judgment in replacing him in another regiment. Under these circumstances I conceive that the animadversions which have been thrown out are as uncalled for, as the Select Committee of Inquiry, and I repeat my deliberate opinion that the mode of Lord Brudenell's restoration is merely an act of justice to the individual and to the service, and I cannot refrain from again offering my noble Friend my sincere congratulations on his restoration to the active duties of his profession, in which I am convinced I am joined by the great majority of the most valuable officers in the British army, and I am equally convinced that he will prove, as he has previously done, that he is well qualified to serve the King with credit to himself, and advantage to the service.

Mr. *Ellice* said, that he was anxious to offer a few words of explanation on this subject. The House was aware, from the correspondence which had recently been laid on the Table relative to this case, that he had expressed his opinion to the Commander-in-Chief as to the mode in which officers were placed on the half-pay in cases of this kind. The Commander-in-Chief announced to him, in this case, the reason for the course he intended to take before laying the new appointment before his Majesty, previous to placing the noble Lord on the half-pay. He then stated, that with respect to placing the noble Lord on half-pay after what had taken place, he entertained very serious doubts. He did not think that the noble Lord should be placed on half-pay, unless they allowed him to be brought before a court-martial, or unless they should qualify the sentence of the court-martial by the proper military authorities to meet his objection. The noble Lord having, however, taken the line which he had thought proper to do, and demanded a court-martial, he (Mr. Ellice) stated to the Commander-in-Chief that if he, under the circumstances, had been placed on half-pay, he would have resigned his commission rather than have accepted the pitiful allowance of half-pay, when he found that inquiry was refused him. Lord Hill did qualify the sentence of the court-martial in the way which had been stated to the House. He agreed with the right hon. and gallant General opposite,—that the members of the court-martial had gone beyond the duty prescribed to them. The same proceeding often occurred in the other courts of justice, when the jury expressed an opinion on the conduct of the prosecutor. Where, however, it was followed by so severe a sentence as the removal of an officer from his regiment, the circumstances would appear the more striking. He felt, then, that if there was not some qualification placed on the sentence, that the full effect of it would be felt as a punishment. Lord Hill, he knew, had great doubts on the subject, and it was not without hesitation and the greatest consideration that they agreed on the course that was followed. The Judge-Advocate had been consulted on the subject, and his opinion had been laid before his Majesty. Under these circumstances, it followed that it could not be otherwise than that the appointment, by Lord Hill, of Lord Brudenell was in unison with his own opinion. He was aware that nothing could be more objectionable than inquiry into the proceedings of a court-martial. But he still thought that they should not punish an officer without hearing him in his defence, or hearing from the competent authority a declaration that the opinion of the court-martial went further than the case called for. He might have thought a little more favourably of the case at the time than he ought, because it appeared to him that Lord Brudenell had been borne down by the decision of the court-martial. He thought that the proceeding was hard in itself,—stronger than the circumstances of the case justified. The Secretary-of-War, however, had no discretion in these cases; indeed, he had no more to do with them than the hon. Member for Middlesex, or any other hon. Gentleman. With respect to not pressing Lord Brudenell's demand for a court-martial, he would read an extract from the letter of Lord Fitzroy Somerset to that noble Lord; he states,—

> While, however, the King feels for the situation in which your Lordship is placed, and does justice to your anxiety for an inquiry into your conduct in those respects in which it has been impeached on the occasion referred to, his Majesty is yet clearly of opinion that, to assemble a court-martial, or to institute any other proceeding for that purpose, would be to depa rtfrom long established practice, to contravene principles of acknowledged authority in the military administration of justice, and to set a precedent of most inconvenient and injurious example.

If such were the opinion of those to whom was intrusted the discipline of the military force of the country, it would not have become him to press for a court-martial. He was sure that every hon. Gentleman must agree with him in admiring the conduct of the noble Lord, after he had been censured by the court-martial, and for the language he had used with respect to it. He also concurred with the gallant General in saying, that he was sincerely glad that the noble Lord had been replaced in his Majesty's service. In consequence of what had fallen from his noble Friend, as to the general question respecting the army, he would only observe, that that question required such dispassionate discussion, that he thought it could be better taken up by the Government than by the House. A Commission was appointed for the purpose of considering whether the civil and military departments in the army could not be consolidated, each under their respective heads. The Commission sat a considerable time, and examined a great many witnesses. Upon this commission he and Sir James Kempt attended, but it had not been his good fortune to agree with that gallant General in his opinions upon the subject. His opinion was, that the separation which already existed was too great, and was attended with very considerable inconvenience; and, moreover, that any further attempt to separate the two departments would be attended with considerable danger. What at present was the condition of the army in consequence of these divided functions? The Commander-in-Chief had a thousand appeals made to him, and so great were the subdivisions, that he himself did not know on what or on whom to depend for the defence of his own conduct, if defence should become necessary. It was astonishing how many persons were connected with the war department. The Judge-Advocate, the Secretary-at-War had each his own department independent of the Commander-in-Chief. As to the Secretary-at-War, that functionary had less to do with this department than the Home-Secretary; for every commission was countersigned, not by the Secretary-at-War, but by the Home-Secretary. [*No!*] There was not a commission of an Ensign which was not signed by the Secretary of State, and usually the Secretary of State for the Home Department. The Home-Secretary, the Commander-in-Chief, the Lords of the Treasury, the Judge-Advocate, had all to do with the matter before it came to the Secretary-at-War. The House would not find him hazarding a rash opinion upon this subject; but of this he was perfectly satisfied, that things could not safely remain as they were. He would not trespass upon the House by stating what he conceived would be the consequences which might ensue; but this he knew, that the army suffered very much from not having a sufficient protection from high quarters, from not having a high and responsible authority to represent them in his Majesty's Councils, as every other department of the state had. There ensued great difficulties, also, from these causes to the colonial service,—difficulties which deserved the particular attention of the Government and Legislature, if it were considered a desirable thing to maintain an army in a state of effectiveness. He had stated the difficulties of the case; but he was not prepared, at the present moment, to propose a remedy for them. He was well aware that any change in a long established system must be attended with great difficulties. Yet, notwithstanding the difficulties, something must be done to unite the various branches of this department of the State under one head. He would not then go into any details of the remedy. He must deprecate any motion which would have the injurious effect of interfering with the general, calm, consideration of the subject. He could not but think, moreover, that any such Committee as that moved for might lead to interminable inquiries. He therefore hoped the hon. Baronet who brought forward the motion would withdraw it, more especially as the hon. Baronet must see that all had been done by bringing it forward which he could have desired.

Major *Curteis* asserted the strict honour and impartiality of the court-martial, and considered the censure passed upon it as most undeserved. The members of it were highly honourable men, and returned their finding upon oath. As for the noble Lord, he most cordially desired to tender to that noble and gallant officer his congratulations upon an appointment which he was so well qualified to fill, with honour to himself and advantage to the army.

Lord *George Lennox* begged to say, that he for one had not passed any imputation upon the motives of the court-martial.

Mr. *O'Connell* hoped the hon. Baronet would not press his motion. [*Divide.*] He could assure hon. Members, that unless he felt it his duty to express his opinion upon this question, he should not trespass upon the House at that late period of the evening. He had one strong objection with regard to the course which had been already pursued in bringing forward this motion—namely, that, whilst it was apparently levelled against one individual, it implied censure on the conduct of another. If the conduct of the noble Lord (Brudenell), who was indirectly censured by the motion before the House, deserved to be attacked, why was not that attack made directly? If the attack had been made directly, he was convinced it would, because it ought to, fail. He had a deep and strong conviction that Lord Brudenell was an injured man. He had been convicted without a trial, and punished without any charge having been brought against him. He gave the court-martial that decided on the case of Captain Wathen, full credit for integrity. He personally knew but one man amongst them; but he knew that one would not do an intentional wrong. They did, however, err most grossly—they were decidedly wrong,—and went far beyond the bounds of their duty in censuring a man who had not been heard upon the point which incurred their censure. Why should they censure an officer who was not called upon, or prepared for a defence? Surely, though the peasant had a right to equal justice with the peer, the peer had also an equal right to it with the peasant. Was censure to be passed upon a man against whom no direct charge was brought—who was not, therefore, prepared with witnesses on the subject for which he was censured;—and when this man demanded a fair and full trial, for the purpose of bringing forward evidence, was that trial to be refused him? The noble Lord called for a court-martial, and he was refused. Was that justice? He begged leave to differ from the right hon. Baronet (Sir H. Hardinge) in his notion of discipline. He knew of no advantages of discipline which were at variance with justice. The right hon. Baronet denied the right of that House to interfere with the decision of a court-martial. Why, courts-martial acted under an Act of Parliament, and, therefore, like other judicial proceedings, their verdicts were subject to revision. If the circumstances had occurred to a person of lower rank, would justice have been done? No; nor had it even been done in this case. Here there was conviction without a trial—

punishment without proof offered of a charge. The noble Lord's name had a censure set down against it in every orderly book in the service; and his future descendants were liable to have it cast up against them. Here was a stigma fixed on the noble Lord. It was said, that to grant a court-martial under these circumstances, would be against the practice. To do justice would be against the practice. To give a man who had been condemned unheard, an opportunity of vindicating himself, against "practice?" Indeed!—so bad a practice should not be suffered longer to remain, and the sooner it was done away with the better. The noble Lord, in his speech of to-night, had attracted the sympathy of all who heard him; but still that was not a vindication—not the vindication he had a right to demand—whilst the censure remained in the regimental books. The conduct of the Commander-in-Chief was wrong and unjust; and he hoped the poorest man in the army would reap the advantage of the censure which had to-night been cast upon the practice. If the motion related only to Lord Hill, and did not involve Lord Brudenell, he certainly should have supported it, not from any feeling which he entertained towards the former, but merely to express his abhorrence of a practice which condemned a man unheard; and, when he demanded a trial, refused it.

Captain *Berkeley* could not agree in the opinion that this question ought not to be pressed to a division. He thought, in justice to Lord Hill, in justice to Lord Brudenell, the sense of the House should be taken upon it. The motion might certainly have been brought forward in a better form. If its object were to attain the ends of justice, some other mode should have been adopted; but it seemed as if it had been framed for the double purpose of attacking Lord Brudenell through Lord Hill, and Lord Hill through Lord Brudenell. The proper form would have been, if there were no ulterior object in view, for the hon. Baronet to have moved for an humble address to his Majesty, praying him to grant the court of inquiry which had been eagerly sought for on behalf of Lord Brudenell. As to the stigma which was said to attach to the noble Lord, he must differ from the hon. and learned Member for Dublin. He would merely state a fact, which would also answer as a contradiction to what was said by the hon. Member for Middlesex, that if this had been the case of an humble man, and not one of noble blood, no redress would have been accorded. The hon. Member for Middlesex, by-the-by, seemed desirous to push the punishment of Lord Brudenell to a degree of harshness not hitherto known. The fact to which he alluded occurred in his own profession (the navy). It was the case of a man who rose from before the mast, and who, though once condemned to death, by his good conduct afterwards raised himself so high in the profession, that he died holding the rank of post-captain.

Sir *William Molesworth* was quite ready to comply with the suggestion of the hon. and learned Member for Dublin, not to take up the time of the House by dividing. There were, however loud calls for a division, and

The House divided;—Ayes 42;—Noes 322:—Majority 280.

List of the Ayes.

Aglionby, H. A.
Attwood, Thomas
Barnard, E. G.
Bish, T.
Bowring, Dr.
Brady, D. C.
Bridgman, H.
Brocklehurst, J.
Brotherton, J.
Buller, Charles
Crawford, W. S.
Divett, E.
Dundas, J. C.
Ewart, W.
Gillon, W. D.
Grote, George
Hector, C. J.
Jervis, John
King, Edward B.
Leader, J. T.
Marshall, William
Marsland, Henry
O'Brien, Cornelius
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
Phillips, Mark
Pryme, George
Roche, D.
Roebuck, J. A.
Ruthven, E.
Scholefield, J.
Strutt, Edward
Thompson, Col.
Thorneley, T.
Villiers, C. P.
Wakley, T.
Wallace, Robert
Warburton, H.
Wilbraham, G.
Williams, W.

TELLERS.

Molesworth, Sir W.
Hume, J.

List of the Noes.

Adam, Sir Charles
Agnew, Sir A.
Alford, Lord
Alsager, Captain
Alston, Rowland
Angerstein, John
Arbuthnot, hon. H.
Archdall, M.
Ashley, hon. H.
Attwood, M.
Bagot, hon. W.
Baillie, H. D.
Baldwin, Dr.
Balfour, T.
Barclay, David
Barclay, Charles
Baring, Francis T.
Baring, H. Bingham
Baring, W.
Baring, Thomas
Barry, G. S.
Bateson, Sir R.
Beckett, Sir J.
Bell, Matthew
Bentinck, Lord G.
Beresford, Sir J. P.
Berkeley, hon. F.
Berkeley, hon. G. C.
Berkeley, hon. C. C.
Bernal, Ralph

Bethell, Richard
Blackburne, I.
Blackstone, W. S.
Boldero, Henry G.
Bolling, W.
Bonham, R. Francis
Bradshaw, J.
Bramston, T. W.
Bruce, Ld. E. A. C. B.
Bruce, C. L. C.
Bruen, Col.
Bruen, Francis
Bulwer, Edw. G.E.L.
Burrell, Sir C. M., Bt.
Butler, hon. Pierce
Byng, G.
Byng, G. S.
Calcraft, J. H.
Campbell, Sir H.
Canning, Sir S.
Castlereagh, Visc.
Cayley, E. S.
Chalmers, P.
Chandos, Marq. of
Chaplin, Col.
Chapman, Aaron
Chichester, A.
Childers, J. W.
Churchill, Ld. C. S.
Clayton, Sir W.
Clive, Edw. Bolton
Clive, hon. R. H.
Codrington, C. W.
Colborne, N. W.
Cole, Visc.
Compton, H. C.
Conolly, E. M.
Conyngham, Lord A.
Coote, Sir C. C., Bt.
Corbett, T.
Cowper, hon. W. F.
Crawley, Samuel
Cripps, Joseph
Curteis, Edward B.
Dalbiac, Sir C.
Dalmeny, Lord
Darlington, Earl of
Dick, Q.
Dillwyn, L. W.
Donkin, Sir R. S.
Dowdeswell, Wm.
Dugdale, W. S.
Dunbar, George
Duncombe, T. S.
Duncombe, hon. A.
Dundas, hon. T.
Dundas, J. D.
East, James Buller
Eastnor, Viscount
Eaton, Richard J.
Egerton, Wm. Tatton
Egerton, Sir P.
Egerton, Lord Fran.
Elley, Sir J.
Ellice, E.
Elwes, J.
Eastcourt, Thos. S. B.
Eastcourt, Thos. G. B.
Fancourt, Major
Fector, John Minet
Feilden, W.
Fergusson, Sir R. A.
Ferguson, G.
Fergusson, rt. hon. C.
Finch, George
Fitzroy, Lord C.
Fleming, John
Foley, Edw. Thomas
Folkes, Sir W.
Forbes, Wm.
Forester, hon. G. C. W.
Forster, Charles S.
Fort, J.
Fremantle, Sir T. W.
Freshfield James W.
Gaskell, J. M.
Geary, Sir W. R. P.
Gisborne, T.
Gladstone, Thomas
Gladstone, Wm. E.
Glynne, Sir S. R.
Goodricke, Sir F.
Gordon, Robert
Gordon, W.
Gore, O.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Graham, Sir J.
Grant, hon. Colonel
Greisley, Sir R.
Grey, Sir G.
Grimston, Viscount
Hale, Robert B.
Halford, H.
Halse, James
Hamilton, Lord C.
Hardinge, Sir H.
Harland, W. Charles
Harvey, D. W.
Hastie, A.
Hawes, Benjamin
Hawkes, Thos.
Hawkins, J. H.
Hay, Sir J., Bart.
Hay, Sir A. L.
Hayes, Sir E. S., Bart.
Heathcote, G. J.
Heneage, Edward
Henniker, Lord
Hill, Lord Arthur
Hill, Sir R. Bart.
Hobhouse, Sir J. C.
Hodges, T. L.
Hogg, James Weir
Hope, hon. James
Hope, Henry, T.
Hotham, Lord
Houldsworth, T.
Howard, R.
Howard, hon. E.
Howard, P. H.
Howick, Lord
Hoy, J. B.
Hurst, R. H.
Hutt, W.
Jackson, Sergeant
Ingham, R.
Inglis, Sir R. H., Bt.
Johnstone, J. J. H.
Jones, Wilson
Jones, Theobald
Kearsley, J. H.
Kerrison, Sir Edward
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. J.
Labouchere, Henry
Law, hon. C. E.
Lawson, Andrew
Lee, John Lee
Lefroy, Anthony
Lefroy, Thomas
Lennox, Lord G.
Lewis, David
Lincoln, Earl of
Loch, James
Lopes, Sir Ralph
Lowther, Col. H. C.
Lowther, J.
Lucas, Edwards
Lushington, S. R.
Lygon, hon. Col. H. B.
Mackinnon, W. A.
Maclean, Donald
Macleod, R.
Mangles, J.
Manners, Lord C.
Marjoribanks, S.
Marsland, Thos.
Martin, J.
Maule, hon. F.
Maunsell, T. P.
Methuen, P.
Meynell, Capt.
Miles, William
Miles, Philip J.
Mordaunt, Sir J., Bt.
Morpeth, Viscount
Mosley, Sir O., Bart.
Neeld, Joseph
Nicholl, Dr.
Norreys, Lord
O'Conor Don
Oliphant, Lawrence
Packe, C. W.
Paget, Frederick
Palmer, General C.
Palmer, Robert
Palmerston, Lord
Parker, M.
Parker, John
Parnell, Sir H.
Parrott, J.
Parry, Sir L. P.
Patten, John Wilson
Peel, Sir R., Bart.
Peel, rt. hon. W. Y.
Pemberton, Thomas
Perceval, Col.
Pigott, Robert
Pinney, William
Plumptre, J. P.
Plunkett, R.
Powell, Colonel
Praed, W. M.
Price, S. G.
Pringle, A.
Pusey, Philip
Rae, Sir Wm., Bart.
Reid, Sir J. Rae
Rice, right hon. T. S.
Richards, J.
Rickford, W.
Ridley, Sir M. W.
Rolfe, Sir R. M.
Rooper, J. Bonfoy
Ross, Charles
Rushbrooke, Col.
Russell, Lord John
Russell, Lord Charles
Ryle, John
Sanderson, R.
Scarlett, hon. R.
Scott, Sir E. D.
Scott, James W.
Scourfield, W. H.
Seymour, Lord
Sharpe, General
Shaw, Frederick
Sheldon, E. R. C.
Sheppard, T.
Sibthorp, Col.
Sinclair, Sir George
Smith, J. A.
Smith, hon. R.
Smith, Robert V.
Smyth, Sir G. H., Bt.
Somerset, Lord E.
Somerset, Lord G.
Speirs, Alexander
Stanley, E. J.
Stanley, Edward
Stanley, Lord
Steuart, R.
Stewart, Sir M. S., Bt.
Stormont, Lord
Stuart, Lord James
Stuart, V.
Sturt, Henry Chas.
Surrey, Earl of
Talfourd, Sergeant
Tancred, H. W.
Thomas, Colonel
Thomson, C. P.
Thompson, Ald.
Townley, R. G.
Trelawney, Sir W. L.
Trevor, hon. Arthur
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tulk, C. A.
Twiss, Horace
Tyrrell, Sir J.
Vere, Sir C. B. Bart.
Verner, Colonel
Vesey, hon. Thomas
Vivian, Major

Vivian, John Ennis
Wall, C. B.
Walpole, Lord
Walter, John
Wason, R.
Welby, G. E.
Wemyss, Capt.
Westenra, H. R.
Weyland, Major
Wigney, Isaac N.
Wilbraham, hon. B.
Williams, Thomas P.
Williams, W.
Williamson, Sir H.
Wilson, Henry
Wodehouse, E.
Wood, C.
Wood, Colonel
Wortley, hon. J. S.
Wynn, rt. hon. C. W.
Young, G. F.
Young, Sir W.

TELLERS.

Clerk, Sir G.
Corry, hon. H. T. L.

PRIVATE BILLS.] Mr. *Harland* was anxious to call the attention of hon. Members to the situation in which landowners and other proprietors were placed under the usual provisions of Railway Acts, and to state the grounds upon which he thought justice required that some alteration should be made in them for the future. At present any proprietor, whose property was taken by Act of Parliament, for the purposes of a railway, was liable to be called upon by the Company to furnish an abstract of his title-deeds, and to prove, at his own expense if required, their validity; and in case of his failing, to make out what was termed a marketable title, the company was empowered to withhold the payment of the purchase money from the vendor, and to pay it into the Bank of England, under the name of the Accountant-General. The object of the motion he was about to submit to the House was, to relieve the landowner from all expenses incidental to furnishing the abstract, and verifying his title, and to throw them in every case upon the party who came to Parliament to force the sale. There were so many hon. Members more conversant with the sale and transfer of property than he was, that he felt it unnecessary to dwell upon the difficulties which frequently attended deducing a marketable title, resting, as it often did, upon a proof of pedigree—requiring an examination of parish registers in different parts of the country, which was difficult, owing to the present defective mode of registration. Nor was it necessary to examine, in detail, the expenses which might arise in getting and assigning terms of years, in cases where the property was under the trust of a long and intricate settlement; it would be enough for him to remind hon. Members, that a title, which was a safe-holding title, might often be rejected as not marketable, and that the difficulties and expenses attending legal proof were often the greatest in cases of long possession, where the moral right that the owner had to his property was the most indisputable. He merely alluded to these considerations, in order to show how desirable it was that Parliament should endeavour, as far as possible, to protect proprietors from being put to unnecessary expense, from unreasonable objections taken to their titles on the part of Railway companies; and also, how necessary it was, that it should provide, as far as was possible, against the proprietor's being called upon to make an unnecessary exposure of title-deeds and family settlements, which had, in many instances, led to a ruinous course of litigation. The question was, how to effect the object he had in view. He begged to call the attention of hon. Members to a practice which of late years had been adopted in cases of voluntary sales, where, in order to protect the vendor against frivolous objections to his title, it had become the practice to fix the expenses attending the verifying of the abstract upon the purchaser; and he ventured to suggest, that Parliament could not do better than give the same protection to those, whose property it disposed of by its own act, as that which, in voluntary transactions, the vendor had found it necessary to provide for himself. This could not be looked upon as a mere shifting of the expense from the proprietor to the company who purchases; though, even if it were so, it is only just that these expenses should be thrown upon the company that forces the sale, and taken off the proprietor, who was an unwilling party to the transaction. But it would have a further, and a still more beneficial result, namely, that the company finding themselves saddled with the expenses, would rest satisfied, except under very peculiar circumstances, with a mere abstract of the title-deeds, and thus the proprietor would be saved from an unnecessary exposure of his family affairs. Such a provision was necessary in order to secure the proprietor, in some cases, against downright pecuniary loss. Take, for instance, a case where only a small portion of an estate is taken for the purposes of a railway, and where the purchase money is of trifling amount, but where the title to the whole estate is involved in the title to this portion of it; and in order to substantiate it, the owner may be put to enormous expense, and be driven to the exposure of the whole of his title-deeds and his family settlements. He knew two cases in point, of recent occurrence. In the one case, the purchase-money was under 50*l.*, and the expenses incidental to furnishing the abstract, and proving the title, amounted to 200*l.*; in the other case, the purchase-money was 100*l.*, and the expenses were 200*l.* Here then, in one case, the landowner lost his land and 150*l.*, and in the other, besides the loss of his land, he was 100*l.* out of pocket by the transaction. It was no argument to say, "Oh! these are extreme cases, and, consequently, of unfrequent occurrence." He should doubt that assertion, inasmuch as both these cases occurred at no great distance from each other, in time and space. But it was the bounden duty of Parliament, when it compels a person to sell his property,—(and rightly compelled him, where public advantage was likely to accrue from it),—and when it exposed him to many annoyances which he would gladly avoid, to take care, by every means in its power, to guard him against the possibility of his suffering pecuniary loss from the transaction. It might be objected, that the throwing this expense upon Railway companies might, in some instances, check speculation. The public, however, would suffer no loss in the suppression of those schemes, which could not bear this trifling expense. The bubble must be lighter than air itself that would burst under so slight a pressure, whilst this could throw no serious obstacle in the way of those well-digested and maturely-considered undertakings, which were likely to cause either great local advantage or great national benefit. The Clarence Railway Act contained a clause providing that these expenses should be borne by the Company, and he had so framed his motion as to make it equally apply to Canal, and all other Acts which provided for a compulsory sale of property. He begged to move, "That it be an instruction to all Committees on Private Bills to make provision, that all the expenses incurred in furnishing abstracts of titles to estates, and in proving the same, shall be borne by the parties requiring such proof."

Mr. *Philip Howard* seconded the motion.

Mr. *Brotherton* moved, that the House do adjourn.

Mr. *Arthur Trevor* trusted the hon. Member would not press the question of adjournment, as it was so highly important that the House should come to a decision upon the question which had been brought forward by his hon. Colleague.

Sir *Robert Inglis* thought that, in the very exhausted state in which the House was, it was impossible that the question could be decided satisfactorily, even to the hon. Member who brought it forward. He trusted, therefore, that he would consent to the adjournment of the debate.

The *Chancellor of the Exchequer* entreated the hon. Member for Durham to take the course proposed by the hon. Member for the University of Oxford, and consent to the adjournment of the debate.

Debate adjourned till Thursday.

HOUSE OF COMMONS,

Wednesday, May 4, 1836.

MINUTES.] Petitions presented. By Mr. D. GASKELL, from Wakefield, for the Repeal of the Duty on Marine Insurances.—By Sir SAMUEL WHALLEY, from various Places, for the Repeal of the Poor-Law Amendment Act, for the Repeal of the Window-tax, and of the Stamp Duty on Newspapers.—By Captain BERKELEY, from various Places, for the Introduction of Protecting Clauses in the Fisheries' Bill.—By Mr. HAWES, from various Places, for the Repeal of the Duty on Newspapers.—By Messrs. BROTHERTON, HURST, and VILLIERS, from various Places, for the Repeal of the Duty on Newspapers.—By Mr. F. SHAW, from Dublin, in favour of Excise Licences (Ireland) Bill; and from various Places, for the Better Observance of the Sabbath.—By Mr. ARTHUR TREVOR, from Durham, praying that no Alteration may take place in the Revenues of the said See.—By Mr. HAWES, from the Watermen of London, that Steam Vessels may not come higher up the River than Greenwich.—By Mr. HAWES, from the Teachers of Schools near London, that the Time of Admission to the Reading Room of the Museum may be Extended; and from Westminster, Complaining that the Measures in use for the City of Westminster have been much worn, and praying that they may be verified by the Exchequer Standard.

SUPPLY OF COAL TO THE METROPOLIS.] The Sheriffs of London presented petitions from the Corporation of London respecting the South Durham and Dover Railway Bills.

Mr. Alderman *Wood*, in moving that these petitions be printed, adverted to efforts made in the city of London and elsewhere to prevent the formation of plans that would facilitate the supply of coals to the metropolis and its neighbourhood; an intimidation of no ordinary character was resorted to; but he said, intimidation would not prevent him from the performance of his duty, and from endeavouring to secure for the metropolis a full and cheap supply of coal.

Petitions ordered to lie on the table.

SOUTH DURHAM RAILWAY.] Mr. Alderman *Wood*, pursuant to notices given, moved that the Members for the counties of Middlesex, Surrey, Essex, and Kent, and the cities and boroughs within the same respectively, be added to the Committee on the South West Durham Railway Bill, and on the South Durham Railway Bill.

Mr. *Lambton* opposed the motion. It was of the most unusual character. Regular lists for Committees on private Bills were prepared and constantly acted upon, and to depart from them would lead to confusion and inconvenience, and he did not see how the present proposition could be sanctioned, except it were shown that the regular Committees had failed in the performance of the duties deputed to them. And if they had so failed, the House was not without its remedy; fault could be found and complaint be preferred before the House on the bringing up of the Reports. He, therefore, should give his most decided opposition to the motion.

Mr. *Arthur Trevor* said, that he also must give his most decided resistance to the present proposition. He thought that if any one but the hon. Alderman had brought forward the proposition, that hon. Member would have been the first to exclaim against and to resist so monstrous and barefaced a proposition, as he would have been disposed to term it. He was astonished that the hon. Member had brought himself to propose so monstrous, absurd, and irregular a proposition, as no fault was even alleged against the existing Committees; and he must say, that the absurdity of the proposition was only equalled by its injustice, there having been no fault found hitherto for non-compliance with the usual orders of the House.

Mr. *Pease* must also resist the motion as irregular and inconsistent with the regulations of the House regarding Committees on Private Bills. It was uncalled for by any conduct on the part of the existing Committees. If any question arose as to the manner in which the Committees acted on these Bills, let that matter be brought before the House on bringing up the Report. That stage of the business presented the proper opportunity, and therefore the public interests could not fail to be duly protected. It certainly was not very decorous nor very convenient to add, as it was now proposed to do, twenty or thirty Members to a Private Bill Committee.

Mr. *Hughes* could not agree with the motion, but, at the same time, he was of opinion that the proceedings of these Committees ought to be closely watched by hon. Members.

Mr. *Barnard* thought that where the interests of the metropolis and its neighbourhood were so deeply involved, every opportunity ought to be afforded to secure the amplest protection of the public interests.

Mr. Alderman *Wood* had no other object in view than the performance of his duty to his constituents. When he saw all the great coal-owners endeavour to stop a railway, the completion of which would contribute to the forwarding of a larger supply of coals, he did think, that with reference to the consumers of coals, it was right that assurance should be given that their interests were protected, and he had therefore moved that the representatives of the great consumers of coals should be on the Committee on these Bills. He was further urged to this course on seeing, in the Durham Papers, advertisements of meetings, &c., calling on the constituents of that part of the country to resist these Bills. In that state of things he had ventured to think that justice to all parties would not be endangered by requiring the representatives of Middlesex to co-operate with those of Durham. In the course of this discussion extraordinarily high language had been used, but he was not to be frightened from the performance of his duty. He could assure those who held such language that he dared to do all that became a Member of Parliament to do for the protection of his constituents. After what had passed he should not press the present motion; but he hesitated not to declare, that there ought to be some watch over gentlemen who were so largely interested in the coal-trade, or who were the representatives of those who were largely interested in such trade. And, for one, he should not fail to extend such watchfulness as far as he was able.

Motion withdrawn.

INTEREST IN RAILWAYS.] Mr. *Gisborne* having moved that it be an instruction to the Committee on the re-committed Midland Counties Railway Bill, to confine their labours to an inquiry into the merits of the Northampton line, in comparison with the line proposed by the Bill—into the propriety of the raising of the line of the Kingston Level, &c.

Sir *Samuel Whalley* said, that he wished to make a remark or two regarding the right of voting on Railway and other Bills by those Members who might have shares therein. He did not desire to introduce the remark he had to make with any personalities, nor in the language of complaint, but only to set himself right with the House and the country; and he thought that if strict candour were extended to him, this opportunity would neither be denied nor complained of. He begged to remind the House that he was by no means the only Member who had voted on Bills in which they were personally or pecuniarily interested, but, he believed, like himself, without imagining that they were in any way acting contrary to the rules or practice of the House. There was the subject that had recently been mentioned —the coal monopoly, or the supply of coals. Had not many Members interested in that monopoly or supply voted on the Bills tending to facilitate the supply? This it was right that the House and the public should know. Again, had not one Member, having a remote interest in the question, decided the votes regarding the Kingston branch in a Railway Bill, which decision would have been the other way but for the vote of that Member, who had at least a remote interest, for he was a subscriber to the amount of 15,000*l.*

Mr. *Gisborne* interrupted the hon. Member. In the instance in question the decision was by the Chairman giving the casting vote.

Sir *Samuel Whalley*—Yes; but except the hon. Member in question had voted, there would have been no occasion for the casting vote of the Chairman. He did not mention these things as matters of complaint, but to exculpate himself from having done what was contrary to the practice of the House. On the evening previously to the vote that he had given, five Directors of the Dublin Steam Packet Company had voted on a Bill regarding that Company, without any complaint being preferred; he therefore submitted, that down to the time of giving his vote, of which complaint had been made, he had no reason to believe that he was acting inconsistently with the practice of the House.

Motion for instruction agreed to.

POOR LAWS (IRELAND).] On the motion that the first order of the day be read,

Mr. *Poulett Scrope* rose to bring forward the resolutions of which he had given notice, and first required the Clerk to read that part of the King's Speech at the opening of the Session which related to the introduction of Poor-laws into Ireland. The following are the words of the Speech:—"A further Report of the Commissioners of Inquiry into the condition of the poorer classes of my subjects in Ireland will speedily be laid before you. You will approach this subject with the caution due to its importance and difficulty; and the experience of the salutary effects already produced by the Act for the amendment of the laws relative to the poor in England and Wales, may, in many respects, assist your deliberations." The hon. Member then said, in entering on this subject I would recal to the recollection of the House the history and present state of this great question. England, it is well known, and Scotland, had their system of poor-laws established in the beginning of the 17th century. It is now known that it was contemplated by the Legislature very shortly afterwards to transfer the same valuable institution to Ireland. In the year 1640 an Act, the almost literal transcript of the 43d of Elizabeth, passed both Houses of Parliament in Ireland, and received the Royal Assent; but, by some accident, owing most probably to the troubled state of the times, just at the breaking out of the great rebellion, it was never promulgated, and has remained a dead letter ever since. From that time till very lately no attempt was made to introduce any public provision for the poor into Ireland. A few years since some writers in the public press, struck by this contrast of the condition of the poorer classes of the population of England and Ireland, the one without, the other with, the protection of a poor-law, advocated the extension of this salutary institution to the sister island. But their views were discountenanced by the then reigning school of political economy, which had espoused the doctrine of Mr. Malthus, that poverty was solely the consequence of excess of population; that any relief to the poor only led to an increase of their numbers, and consequently to an increase of pauperism and misery. In vain was it urged that the comparative rate of increase of the population of Ireland and England demonstrated the very reverse of this doctrine, and proved that a sound system of Poor-laws acts as a restraint on excessive increase; that want and misery unrelieved, on the other hand, stimulate the multiplication of wretched beings, who cannot be worse off than they are, and therefore are reckless of the future. However, the evidence given before several successive Parliamentary Committees on the state of Ireland, began to make an impression on the public and the House, especially the able and eloquent evidence of Dr. Doyle, which was widely circulated. Some, too, even of the most bigotted political economists, recanted their opinions, and declared in favour of a legal relief to the destitute, as a necessary element of all social institutions. One noted instance is well known to the House. The opinion in favour of an Irish Poor-law thus was so strengthened, that when, in 1833, the hon. Member for Knaresborough brought forward a resolution for its adoption, Lord Althorp felt himself obliged to meet the question by proposing to appoint a commission to inquire into the expediency of the measure. That Commission began its sittings in October of that year. Meantime the English Poor-law Commission was carrying on its inquiries into the abuses of the Poor-law of this country; and it was very much feared by some, and by myself among the number, that the Commissioners themselves were prejudiced in favour of the Malthusian doctrine, and were likely, by confounding the recent abuse of the Poor-law with its ancient and valuable principle, to stigmatise that principle in their Report, and thus increase the difficulties of the Irish question. Some great authorities, indeed, who are said to have been all-powerful in that Commission, I mean particularly Lord Brougham, certainly did fall into this error; but, happily, or rather, I would say, owing to the force of truth and reason, the Commissioners avoided the fallacy; and the Report, when it came out, laid down the doctrine of the expediency of a Poor-law in every civilized country, as the only means of repressing mendicancy and vagrancy, and withholding all excuse and apology for crime. From that moment I felt that the question of a Poor-law for Ireland was virtually carried, and that all that remained was a question of time. The Irish Commissioners of Inquiry were, however, very slow in their proceedings; and, indeed, it was suspected that the appointment of the Commission was merely a *ruse*, for the purpose of giving the question the go by, or at least of delaying its determination *sine die*. Complaints were made by myself, and other Members, of this delay. I own that I thought the wretchedness of the Irish poor was a fact that lay on the surface, or had been at least sufficiently made known to Parliament, in the Reports of nearly half a dozen different Committees that between 1816, and 1832 had sat on the subject. I thought the necessity of a legislative provision for the poor equally clear, and that a Commission was not wanted to determine that which the Government and Legislature were at least equally competent to judge of. I thought that it was little better than a mockery to spend Session after Session, in debating laws upon Irish tithes, Irish Church property, Irish Corporations, Irish constabulary, Irish coercion, while the real evils of Ireland, the master grievance, the misery, starvation, and consequent despair of the Irish population, which alone made them turbulent and criminal, and rendered Coercion Bills necessary, was blinked and evaded, or even denied; and the one, real, true, and only remedy for those ills, a legislative protection from famine, a guarantee for the lives of the Irish people, was still refused, and all discussion upon it stifled. I felt this, and more than once I endeavoured to express my feelings; but the House was against me, and the delay continued. At length, however, the Commissioners began to report. Even so early as last autumn, before the close of last Session, one large volume of evidence, collected by them, was placed on the table; and I own I did think, that after the disclosure of the horrible picture of the state of the poor in Ireland, which that volume contained, the Government would have been prepared at the beginning of this Session with some measures for the mitigation of this mass of evil. Something like a promise to this effect was indeed held out by the Government at the close of last Session. I expected this still more when I heard in his Majesty's Speech, at the opening of the Session, that passage which has been read to the House. Now, I own I thought that this was intended to raise an expectation in the minds of the poor Irish, that at length their wants were to be attended to, their cries had been heard, and that measures were to be taken to ameliorate their wretched lot. Alas! I was mistaken, Sir, the Commission of Inquiry has now finally reported. What do we wait for now? The evidence collected by that Commission is of a character so awful as to have silenced, if it has not convinced, all who hitherto have opposed the enactment of an Irish Poor-law. The Commissioners themselves have reported in favour of one, and have sketched the outline of the measure they would recommend, and of other subsidiary measures by which they think it should be accompanied. The Commissioners' Report was in the hands of Government before the Easter holidays, and I should have thought that Bills might have been framed in the recess to carry out the principles of their recommendations. I ask again, why this further delay? The noble Lord, the other day, urged the immense importance of the subject, and the necessity of caution in its adjustment. Sir, no one is more impressed than myself with the paramount importance of this question, which is what I have been urging for years past on the Government and Legislature as superior in importance to every other topic. But it is its very importance and urgency, that makes me press its consideration on the House without loss of time; and as to the necessity of caution and deliberation, let it be recollected that it was on this very ground, that three years' delay had already taken place. Three years have been already consumed in cautious inquiries and investigations. How many more years of suffering are the wretched people of Ireland to endure, while the Government is procrastinating this subject; and, on the plea of the necessity of caution, inquiry, and deliberation, are deliberating on every other conceivable subject under the sun, except this one most pressing and supremely important one? Let us recollect, that while we delay our deliberations, the Irish are starving! I will not enter into the details of all the horrors of which the evidence collected by the Commission is full. But this I may say, that by that evidence, and the Report that accompanies it, it has been proved on the authority of a Royal Commission of Inquiry, that there exists in the heart of the British dominions—within the bosom of this country, which so proudly vaunts its superior intelligence, wealth, general comfort, and, above all, its institutions for the benefit of the people, a depth and extent of misery, a mass of human suffering, unparalleled in any other country, savage or civilized. It has been proved that the great body of the population of Ireland habitually live on the very lowest kind of food, and have gradually been driven to the use of the very worst species of that plant, a watery, white, soft, innutritious kind of potatoe, on which even a pig will not thrive; that they are, moreover, subject to periodical scarcities even of this wretched diet, in fact to an annual famine; that a large number of them, amounting to upwards of two millions, are, during more than one-half of every year, "insufficiently supplied with even this miserable food," and that many are driven, during a portion of the year, to endeavour to prolong existence, by feeding on weeds of the earth or sea, so unwholesome as to turn their very blood yellow! It has been proved that the dwellings of this great body of our fellow-countrymen are hovels inferior in comfort and healthiness, and the means of shelter, to the sties in which we lodge our swine; that very many sleep on rotten straw or the damp earth, without a bed-covering of any sort, even in the most inclement weather; that their clothing by day (if such it can be called) consists of mere rags, or the very tattered remnant of rags! It has been proved that the sufferings thus endured from cold, nakedness, and hunger, bring on premature old age, besides malignant fevers, and other diseases which shorten the lives of all, and mow down, by a sort of slow torture, thousands of victims, whom direct famine has spared! It is proved that this universal wretchedness has made Ireland one great lazar-house, swarming with mendicants and idle vagrants from end to end; that at certain times of the year one-half of the Irish people are engaged in begging from the other half, the poor supporting the poor, each sharing his pittance, even to the last potatoe, with some wretch more destitute than himself; and that the result is, the propagation of filth, disease, idleness, discontent, and crime throughout the entire length and breadth of the land! Finally, it has been proved, that in the utter absence of any legislative security against absolute starvation, the peasantry of Ireland, to whom the occupation of a bit of land is the *sine quâ non* of existence, are driven by the necessity of self-preservation to league themselves together in secret associations, with a view to maintain one another in their several holdings, and to resist compulsory ejectments by a system of terrorism. They have established a law more powerful and more respected than the law of the land—a law which awards death to any one who resists its mandates, and wants not agents to execute its sentences. It has been proved, that so completely has the horrible state of things, I have described, perverted all moral feeling among this suffering people, that the commission of murder in revenge for ejectment, or the taking of land from which the former tenant was ejected, is a recognized title to popular sympathy, protection, support, and gratitude; and this from the same people whose kindly feelings towards each other are so acute, that they will share their last potatoe with a starving neighbour. These are facts. They require no comment. But, after their disclosure has taken place upon the authority of a Royal Commission—after the veil has been torn off, which had hitherto concealed a state of things so repulsive to humanity, so disgraceful to a Christian community, who will say that it is to be allowed to remain a day without an attempt being made for its improvement? And is nothing to be done? No one now disputes that Ireland must have a Poor-law! No one now, I imagine, will contend, after the Report of the Commission, that it must not be a complete measure, going the full length of all that I, or any of the most zealous advocates of the principle, have ever asked—the full length of affording relief to every class of the destitute poor of Ireland—of affording a security that no one in that country need starve from want. I never had the least doubt, that when once the subject was fully investigated by reasonable men, whatever their prepossessions may have previously been, that it would be discovered that nothing less than this could be offered. I have never asked for or proposed more. The principle, then, being conceded on all hands that the poor of Ireland must no longer be allowed to starve for want of relief, if infirm—of the means of earning their livelihood by the sweat of their brow, if willing to work, it only remains to consider how this principle is to be worked out. And here, with the light afforded by the recommendations of the Commissioners, by the experience of England and Scotland, through two centuries, and, above all, by the searching examination and practical experience we have had of the English system, under the Poor-law Amendment Act, I cannot see any such extraordinary difficulties in our way, to make it necessary to postpone the consideration of the question to another Session, and render ourselves responsible for protracting the agonies of the Irish poor for another twelvemonth. But if all cannot be done, at least is there nothing that can be done? What are the recommendations of the Commissioners—recommendations, in the wisdom and expediency of which, for the most part, I cordially coincide? They propose measures of two kinds: first, a Poor-law; and, next, some subsidiary measures to facilitate its working, by encouraging the employment of the surplus labour of Ireland in the improvement of its soil. The Poor-law they propose includes the establishment of a Central Board, who shall divide Ireland into relief districts, which are to be surveyed and valued preparatory to the assessment. They recommend the building in the different districts of infirmaries, hospitals, and asylums, for the different classes of diseased and sick poor. And they recommend an extensive system of emigration, and the provision of intermediate dépôts for the destitute able-bodied out of work. Now, it is quite clear to me that the merely preliminary arrangements of the Poor-law Board, the division, survey, and valuations of the entire country, and of every individual tenement in it, the hearing of appeals after appeals from this valuation, will consume at least one twelvemonth, after the appointment of the Poor-law Commission, before one farthing of rate can be levied, or one potatoe given away, to fill a famishing mouth. If, therefore, steps are taken this Session for the appointment of a Poor-law Commission (if only to make these preliminary arrangements and lay down the basis of the future assessment for the relief of the Irish poor)—if this be adjourned till next year, two whole years more of Irish misery must be suffered before a beginning of relief can be made! Two whole years! What a mass of human suffering that period will take in! What an exasperation of the daily increasing misery and turbulence of that wretched and distracted country! Oh, Sir, there is a homely proverb, which I cannot but quote on this occasion, "Where there's a will, there's a way;" and if the Government are really anxious to put a stop as soon as possible to the frightful state of things which at present desolates Ireland, I cannot but think that means might have been found at an earlier period, nay, might be found now, for taking the matter into consideration, and introducing some preparatory and lenitive, if they have not time to frame and carry a complete and perfect, measure of relief. Without presuming to dictate to his Majesty's Government as to what they should or should not do, I will venture to say, that the least that can be done is to bring forward and pass such Bills as may be required to enable the Government to appoint a Poor-law Board, which shall immediately commence its preliminary surveys and valuations, &c., to commence without a day's delay the emigration of the redundant labourers, and the building of such hospitals, infirmaries, asylums, and other public buildings, as must be wanted; leaving it to a measure of next Session to determine among what precise parties, and in what proportions the expense of these arrangements should be divided. A liberal expenditure on public works, and some steps for employing the poor extensively on the country roads, bridges, bogs, &c., ought to be instantly adopted. This is the least that can be done towards mitigating the immediate pressure of the frightful evils the Commissioners have brought before our view, and laying the foundation of those complete measures which mature consideration will no doubt enable the Government to frame during the next recess. I am quite aware that the measure must emanate from Government. I have therefore abstained from vexatiously pushing forward my own Bill for the purpose; though I will say this, that with respect to the simple Poor-law branch of the subject, that Bill embodies the precise recommendations of the Commissioners, and would, if it were taken up as it stands, and carried forward by the Government, effectually answer the purpose the Commissioners and all of us have in view. But I say again, all I am anxious for is, that something should be done—all that the time allows this Session—that the Legislature may not lie under the endless disgrace which I think would rest on it, if, the Report of the Commissioners having been presented before Easter, containing the description of so frightful a mass of evils affecting so large a portion of his Majesty's subjects, the rest of the Session were to be allowed to slip by without an effort made to diminish those horrible evils. The hon. Member concluded by moving the following resolutions:—

"That the Commissioners appointed by his Majesty to inquire into the condition of the poorer classes in Ireland, having finally reported, in which Report it is stated, among other facts—

"1. That 'a great portion of the labouring population of Ireland are insufficiently provided with the common necessaries of life;' that 'not less than 2,385,000 persons of that class are in distress, and require relief for thirty weeks in the year, owing to want of work;'

"2. That 'the wives and children of many are obliged reluctantly, and with shame, to beg;'

"3. That 'mendicancy is likewise the sole resource of the aged and impotent of the poorer classes in general, whereby encouragement is given to idleness, imposture, and general crime.'

"And the Commissioners having recommended several legislative measures for the cure of these appalling evils—

"This House is of opinion that no time should be lost in taking such steps as may tend to relieve this large portion of his Majesty's subjects from so calamitous a condition."

Mr. *O'Brien* said, that he thought the resolution proposed by his hon. Friend was imperatively called for by the announcement of the noble Lord, the Home-Secretary, a few days since, which he considered tantamount to a declaration that no measure for the relief of the poor in Ireland would be submitted to Parliament by the Government during the present Session. Now he would ask the House, if a Royal Commission of Inquiry were to send down to that House a Report, that 2,300,000 persons in England were in a state of the most extreme destitution during thirty weeks in the year, would the House lose a moment in taking the subject into its most grave and serious consideration? Would it not determine that all other questions ought to be postponed as of subordinate importance, until measures were taken to mitigate the suffering of so large a proportion of the population? Did the case differ because this frightful record of facts referred, not to England, but to the people of Ireland? or was it less deserving the immediate attention of the House, because the persons of whom it was told were habituated to suffering? What were the circumstances under which this Commission made their Report? Three years since a number of gentlemen, high in station and eminent for their known intelligence, were selected for the duty of inquiry into the condition of the poor of Ireland. Many of them were known to entertain opinions hostile to the introduction of a Poor-law into Ireland—yet, after a patient, and he would say, a too much prolonged investigation, they brought down to the House a Report containing a more frightful picture of human misery than was ever exhibited in the annals of any country, and they urged upon the adoption of Parliament a series of measures having for their object the relief or mitigation of that misery; nor was it upon the opinion of these Commissioners alone that the public sentiment upon this subject rested. If we might judge by the uniform language of those organs through which public opinion is spoken, it appeared that upon no subject of political concern was there so universal a concurrence of opinion as upon the propriety of framing legislative measures for the relief of the poor in Ireland. Indeed, Europe itself cried shame upon that House and upon the British Government, for leaving in so disastrous a condition such an important portion of the population of these kingdoms, and it was a theme of just reproach in the mouth of every intelligent traveller who visited these realms. Even the landlords of Ireland, who had so long resisted the introduction of any measure which was likely to impose on their properties an assessment, were now prepared to acquiesce in a modified provision for the poor; yet, notwithstanding the appalling nature of the distress which was acknowledged to exist—notwithstanding the almost unanimous concurrence of opinion that it ought to be relieved, Government again told us that they were not prepared to submit to Parliament measures, the expediency of which they could not deny. If this were a new question, there might be some apology for the delay. But for ten successive years it had been annually brought under discussion in that House, and as often had been postponed by some evasive or dilatory plea. Why this unaccountable delay? Were his Majesty's Ministers the only persons in the community incapable of forming an opinion upon a question of such great national importance? If such were the case they were unfit for the office which they held. But he would not pay so bad a compliment to their intellect. He was compelled to adopt the belief that they had formed opinions upon the subject, and that among the opinions entertained by the Cabinet there were some decidedly hostile to the introduction of a Poor-law in any shape. If such were the case, he would ask whether it was probable that these opinions would be more favourable in an ensuing year than in the present? For himself, he could not believe that this change would be effected by any other means than by the coercion of public feeling, and it was for this reason he thought it the duty of that House to give an unequivocal expression to its own sentiments upon the subject. He knew that it would be urged that the Commissioners had recommended such a multiplicity of measures, that they could not all be introduced without mature deliberation. He was ready to admit that several of the suggestions of the Report were, to a certain extent, new to that House, and on account of their novelty, might by some be deemed speculative, but there were others that were in accordance with the views of every individual who had sincerely advocated a provision for the poor in Ireland. Upon the question, for instance, that a well-regulated system of voluntary emigration should be provided for the able-bodied labourer who was unable to procure employment in Ireland, there was no difference of opinion among the supporters of the Poor-law. In like manner, all were agreed that provision should be made for the helpless and infirm poor. Let the Government then immediately come forward with measures calculated to give effect to those suggestions, with regard to which there was no difference of opinion, and refer to a succeeding Session those of a more questionable character. No Bill that could be introduced could be brought into practical operation for a period of from six months to a-year from the day it passed both Houses of Parliament, so that if another Session were allowed to elapse, all relief to the poor in Ireland would in fact be postponed for a period of from eighteen months to two years. It was a mockery to hold out hopes thus indefinitely postponed. If this question were a matter of party interest—if upon its settlement the popularity of an administration depended—no difficulties would have appeared of such magnitude as to occasion this unnecessary delay. The benches of that House would have been crowded, and the advocate of a Poor-law would not have had to contend with the apathy with which the proposal had that night been received. He was not disposed to undervalue the political rights of a nation, but he conceived that questions relating to the sustenance and the comforts of a people should be paramount, even to those which concerned their political interests. It might be said, that it was too late in the Session for the introduction of a measure for the relief of the poor during the present year; but he would observe, that the Tithe Bill, the most important measure of the Session, had not yet been produced; and with the legal assistance which the Government could command, it was impossible that there could be any delay in framing the details of such a measure, if ministers were sincerely desirous for its adoption. Let them call upon his hon. Friend, the Attorney-General for Ireland, whom he believed sincerely anxious for such a measure; or let them invite the able and eminent individual who had been concerned in drawing the Report of the Commissioners, to frame a Bill which should carry into effect any principle upon which Ministers were agreed, and he would undertake to say that within one fortnight there would be a Bill upon the Table of the House. There were three measures already before the House—his own Bill, and those of the hon. Members for Waterford and Stroud. He was not disposed to say which deserved the preference. He had always felt that this was a question which it became the bounden duty of the Government of the country to carry to its ultimate settlement. He would not now enter into any argument upon the general question, whether or not it was expedient that legislative measures should make provision for the poor in Ireland. The question had been repeatedly discussed in that House, and he would take it for granted that the advocates of a Poor-law had triumphed in argument, since their opponents had on no one occasion met the proposition by a direct negative, but had always resorted to the subterfuge afforded either by the previous question or the appointment of a Committee or Commission. He would take it then as a conceded point, that there ought to be a provision for the poor in Ireland, and his argument that night had been solely directed to show that the Government were not justified in postponing its introduction to another Session. He had been taunted by a Gentleman, who now professed himself an advocate for this measure, with exhibiting upon this subject more zeal than discretion. If he were zealous, it was no new zeal, for during the last six or seven years he had laboured to awaken the attention of the country and of that House to a sense of the deplorable condition of the poor in Ireland; and if that Gentleman were present, he would tell him, that if he had taken a different tone upon this subject, there would at that moment have been a Bill before the House. He knew not what part other Members might feel it their duty to take, but for himself he would not shrink from avowing it as his opinion, that if Government allowed this Session to pass away without taking initiatory steps for the introduction into Ireland of a legalised provision for the poor, they would be wanting in a duty which they owed, not only to the people of Ireland, but to the well being of the empire intrusted to their care. He begged leave cordially to second the motion of the hon. Member for Stroud.

Viscount *Morpeth* said, that in the absence of his noble Friend, the Secretary for the Home Department, he felt that it would be unbecoming, and even unnecessary for him to detain the House with more than a few words in answer to the resolution which had been proposed, and these few words should be applied rather to the subject of the motion than to the terms in which it had been introduced. This much, however, he must be allowed to say, that some of the strictures which had been made upon the conduct of the Government did not appear to be prompted by a candid and conciliatory spirit. After stating several facts, the last resolution of the hon. Member for Stroud was to this effect:—"That it is the opinion of this House that no time should be lost in relieving so large a portion of his Majesty's subjects from their present calamitous condition." Now who was to define the precise meaning of the expression that "no time is to be lost?" Or when several Bills were before the House on the subject, which of the views contained in them would the hon. Member have the House to sanction? He did not mean to deny that these Bills contained some suggestions which it would be advisable to adopt; but looking at the whole of them, he was not prepared to say that he was willing to assent to any one of them becoming the law of the land. He was most willing to admit, that the hideous nature of the evils which prevailed amongst the poor classes in Ireland called earnestly for redress. He thought no duty more urgent on the Government and the Parliament than to devise a remedy for them; but he could not conceal from himself, at the same time, that the mode in which that duty was to be discharged, and that remedy concocted and introduced, was a most difficult and delicate question; and in the event of any mistaken views being adopted, or evil steps taken in its settlement, a most hazardous and dangerous one. He had only further on this occasion to say, that his Majesty's Government were not leaving this question at rest. They not only did not forego its consideration, but they were now engaged in determining the proper and necessary steps to be taken for its adjustment; and at the first moment when they were in a condition to propose such a general measure as they could recommend to the adoption of Parliament on their own responsibility, that moment they would do so, without subterfuge or delay. Therefore, on a subject of this great importance and complexity, upon which so many novel considerations were brought under the attention of Government by the Report of the Commissioners, he could not give any pledge that a measure would be immediately brought forward to meet the great ends which they had in view; but assuring the House that there would be as little delay, in introducing such a measure, as circumstances would admit, he must refuse his assent to the motion of the hon. Member for Stroud, and call on the House to go on with the other Orders of the Day.

Mr. *William Roche* was of opinion, that after the announcement which they had just heard from the noble Lord, the Secretary for Ireland, this motion ought not to be pressed to a division.

Mr. *J. Grattan* regretted that the hon. Member for the county of Limerick (Mr. O'Brien) should, in supporting this question have used any language of censure towards the Government. That Government had conferred signal advantages to Ireland, and he hoped it would yet give it Poor-laws. He expected at least that the Government would introduce a measure such as he had introduced eleven years ago for the relief of the aged, infirm, and destitute.

Mr. *Sharman Crawford* confessed that he heard with the deepest regret that no measure was to be brought forward this Session for the suffering poor of Ireland. At least he understood the speech of the noble Lord, the Secretary for Ireland, to mean that he could give no pledge that such a measure would be introduced within the period which he had stated. It was universally admitted that the distress of the Irish poor proceeded from no fault of theirs, and that the Irish landlords were not, in the slightest degree, responsible for their condition. The misery and destitution of the Irish poor were now more appalling than ever, and the present state of things had been brought about by several causes. First, the abolition of the 40*s.* freeholders, in order to create 10*l.* holders; next, by enlarging farms for the purpose of emolument, which when enlarged were applied to pasture; and, lastly, the expulsion of their tenantry by the landlords, which was resorted to for the purpose of punishment, on account of their voting in an independent manner. He regretted exceedingly that the hon. and learned Member for Dublin was not then present. He understood from the speeches of the hon. and learned Gentleman during the recess, that he would support a measure for Poor-laws for Ireland, the necessity of which was admitted by him. Since that period the hon. and learned Gentleman had not come forward to express his approval or disapproval of such a measure. His (Mr. O'Connell's) opinion had justly been considered of great weight with the people of Ireland, and if he were unfavourable to the passing of such a Bill, his declaration to that effect would be received with the greatest deference and respect by the people of that country; whilst if he were (as he had stated himself to be) convinced of the necessity of some legislative proceeding on this subject, the promulgation of such an opinion would be attended with the greatest advantages. Never was there a question relating to

Ireland on which there was such an unanimity of opinion as to its necessity. In the city of Dublin a petition was agreed to by persons of all parties, which he regretted to say had not yet arrived. When the Report of the Committee had disclosed the fact, that some of the people had actually perished from starvation, whilst others were enabled merely to prolong a wretched existence, he thought the Government were bound not to allow another Session to pass, without taking some preparatory step towards alleviating the miseries of the poor of Ireland. When he had last year brought before the House the distresses of the starving peasantry of Mayo, and his Majesty's Government refused to give that relief which he pleaded for in behalf of those unfortunate people, he understood them at that time to say, that a measure for the relief of the poor would be brought forward this Session. Again, when the modified Coercion Act of last Session was introduced, he opposed that Bill on the grounds that pains and penalties should not be enacted against the people of Ireland; that they should not be deprived of the just privileges of freemen, so long as they were debarred of those rights which Englishmen possessed in having claims by law for employment or support from the land on which their profitable industry was applied for the benefit of others. It was not fit that such an Act should remain on the Statute-book, whilst such injustice was perpetrated, and he gave notice that in case some legal system of relief was not provided this Session, he would before its termination move for the repeal of the Act he had alluded to. The hon. Member read an extract from evidence recorded by the Commissioners of Poor Inquiry, relating to a case which had occurred in Dundalk, where a large number of persons expelled by a neighbouring landlord took refuge in the town, in utter destitution. The landlord was applied to for a subscription in aid of their relief, which he positively refused, saying, it was a matter of indifference to him what became of his tenantry after being ejected from his estate. He referred to this document to show the absolute necessity of a compulsory enactment, which would render the landed proprietors responsible for the poverty they created. He then referred to resolutions agreed to at Castlebar, in the county of Mayo, and read extracts which showed the state of the peasantry in that county, and the necessity for an immediate attention to their condition. There was no question which came under the consideration of Parliament of such pressing importance as this. Compared with it, the tithe question was altogether an insignificant one. That Bill was for the protection of the clergy, while the poor were left to destitution and misery. Parliament was bound in the first instance, and before all other considerations, to look to the physical condition of the people of Ireland, and to preserve them from starvation.

Sir *Robert Bateson* had hoped that a question relative to the distress of the Irish poor would have been temperately discussed on either side of the House, and free from party allusions. He must say, that the hon. Member for Dundalk had, in the observations he had made upon them, done no less than libel the landlords of Ireland, in attributing to them the wholesale expulsion complained of, and he would content himself with giving that part of the hon. Gentleman's speech his decided contradiction. In the name of the landlords of Ireland he denied such a statement could be maintained. Without wishing to give the slightest offence to the hon. Member for Stroud, he would tell him he did not quite understand the case of the Irish people. There was not a parish in Ireland without a dispensary or an hospital for the sick poor; and as to emigration, he was sorry to say, that instead of ridding the country of the idle and poor, it had in too many instances deprived it of a most useful class of persons. He thought it better not to press this question at present, but to wait until another Session should produce some well-digested measure upon the subject. He trusted Government would give it their undivided attention, and begged it to be understood that the feelings of Gentlemen on his side of the House were as acute with regard to the sufferings of their fellow-countrymen as those upon the opposite benches.

Mr. *Poulett Scrope* said, that after what had fallen from the noble Secretary for Ireland, he should not think it necessary to divide the House. He still thought, however, that there was considerable ambiguity as to the intentions of the Government.

Lord *John Russell* was understood to say, that the hon. Member for Stroud had interpreted his noble Friend's answer to him correctly, in the supposition which he had made that no measure would be introduced, during the present Session, on this subject. By that declaration, however, he did not wish it to be understood that the Government was precluded from introducing some initiatory measure on the subject, if the result of the inquiries which they were now engaged in making, from persons perfectly competent to supply them with the requisite information, proved that such a course was advisable.

Motion withdrawn.

POOR-RATE BILL.] Mr. Poulett Scrope moved the Second Reading of the Poor-Rate Bill.

Lord *George Somerset* would not then oppose the Bill, but would propose an alteration in Committee.

Mr. *Cripps* thought the partial manner in which property was now rated, required to be remedied, and he should support the Bill.

Mr. *Rigby Wason* was afraid, if the Bill were to pass, it would give rise to much dissatisfaction, particularly on account of the expense of a new valuation.

Mr. *Gilbert Heathcote* hoped the House would cause the Bill to be extensively circulated before passing it.

Mr. *Wakley* opposed the motion. The sole object of the Bill was to place the rating of the country under the control of the Poor-Law Commissioners at Somerset House (who evidently were the originators of it), instead of that of the rate-payers themselves. Had there been any petitions for such a measure, he would have most willingly entertained it, but as the voice of the people was not raised in its favour, he felt called upon to resist it. The hon. Member concluded by moving, that the Bill be read a second time that day six months.

Mr. *Baines* thought, that the hon. Member who attributed the measure to the Poor-Law Commissioners, ought to have ascertained whether those Poor-Law Commissioners were in existence when the present measure was first introduced. It so happened they were not. In his opinion there would be great advantage in an equalization of the rates; it would give greater precision to the Returns periodically required upon the subject of rating, and also enable Parliament to legislate upon the subject with far greater correctness than hitherto.

Captain *Pechell* approved of the Bill, but expressed a hope that care would be taken to prevent the Poor-Law Commissioners from interfering too much in its operation.

Mr. *Thomas Duncombe* agreed with his hon. Colleague in thinking that the Bill was calculated to give a dangerous degree of power to the Poor-Law Commissioners, and would therefore join with him in opposing it.

Mr. *Wakley* was willing to withdraw his amendment, if the hon. Mover would introduce a clause rendering a new valuation unnecessary.

Mr. *Poulett Scrope* said, if the Bill was allowed to go into Committee, he would be willing there to consider the hon. Member's suggestion.

The House divided on the original motion:—Ayes 41; Noes 13—Majority in favour of the Bill 28.

The AYES.

Aglionby, H. A.
Barnard, E. G.
Blackburne, I.
Bowring, Dr.
Brotherton, J.
Buckingham, J. S.
Chichester, J. P. B.
Chichester, A.
Cripps, J.
Duncombe, Thomas
Entwisle, J.
Gully, J.
Hall, B.
Knatchbull, Sir E.
Knight, H. G.
Lennox, Lord George
M'Leod, R.
Mangles, J.
Marsland, H.
Maule, Hon. Fox
Morpeth, Viscount
Musgrave, Sir R.
O'Connell, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Plumptre, J. P.
Potter, R.
Poulter, J. S.
Pryme, G.
Scholefield, J.
Stanley, E. J.
Stuart, V.
Thompson, Colonel
Tulk, C. A.
Vere, Sir C. B.
Warburton, H.
Wilbraham, G.
Wodehouse, E.
Wood, Mr. Alderman
Wyse, T.

TELLERS.

Scrope, Poulett
Baines, Edward

The NOES.

Bewes, T.
Crawford, W. S.
Fielden, J.
Hector, C. J.
Hindley, C.
Lister, E. C.
Roche, D.
Rundle, J.
Sheldon, E. R. C.
Tooke, W.
Vivian, J. T.
Walter, J.
Ward, H. G.

TELLERS.

Wason, Rigby
Wakley, Thomas

PUBLIC WALKS.] Mr. *Buckingham* moved, that the Public Walks' Bill be read a second time, and was proceeding to answer some objections that had been made in a previous stage. He thought it would guard against all danger of malpractices, under the power proposed to be given by this Bill, if it were provided, that there were not less than fifty householders in a town signed a requisition for the Mayor to call a meeting, he should thereupon be empowered to summon one for the purposes specified in the Bill. He proposed that a majority of thirty should be necessary to give effect to any resolution they might adopt, and that such meeting should have power to levy a rate in furtherance of such objects, not exceeding *6d.* in the pound on all household property in the town.

Mr. *Tooke* said, he felt it his duty to take the sense of the House on this measure. It appeared to him that a Bill which enacted that a compulsory assessment of *6d.* in the pound should be levied on all the rate-payers in a town in which fifty only of those rate-payers were favourable to the object in view, ought to receive more consideration and greater attention before it received the sanction of that House. He supposed that the regulations under the Bill were to be superintended by the master of the ceremonies in the different towns; for the measure provided that the inhabitants should be divided into different classes, who were to be expected to abstain from all irritating language, and to indulge only in their potations. In fact nothing could be more ridiculous or absurd than the proposed regulations; and he, for one, could not consent to trifle with legislation on such a subject. He would, therefore, move as an amendment, that the Bill be read a second time that day six months.

Mr. *Gally Knight*: Having been much in foreign countries, having been struck as the hon. Member for Sheffield, with the advantages derived by those countries from their public walks, and being equally desirous that my own country should possess the same advantages, I take pleasure in giving my cordial support to this motion. I have seen how great a source of health and recreation public walks are to the people of other countries, and I earnestly desire that the same advantages should be possessed by the people of England. But, Sir, whilst, equally with the hon. Member for Sheffield, I desire the advantage for the sake of the lower orders, I do not stop there; I desire it equally for the sake of all classes of the inhabitants of our provincial towns, not only because it will be a source of health and pleasure to all, but because I desire that the different classes should have as many points of union as possible; for the more they see of each other, the more they will be united. Sir, I am convinced that when the operatives of this metropolis, released from their daily toil by the blessed institution of the Sabbath (for it is a blessed institution) catch a sight in our parks of that aristocracy which they will never be taught, because they will never have reason, to hate, I am convinced that it gives them a pleasure the more, and I know from experience that those who are more favoured by fortune derive an heartfelt satisfaction from the sight of the happy faces of their more humble brethren, when taking advantage of the holyday which is provided for them by our great example, they wander abroad and at large, and inhale health and enjoyment at every breath. On those occasions all classes rejoice together, and I am convinced that on those occasions as devout aspirations of thankfulness and gratitude rise from the heart of man to the Throne of God, as in the holiest places at the holiest times. Sir, it is to provide more frequent opportunities for such re-unions, and such aspirations, that I desire public walks; and, Sir, there is another way in which I think they would be conducive to the improvement of the health and morals of the people. I think they would assist in detaching the lower orders from that besetting failing from which the lower orders in other countries are comparatively free, principally, I verily believe, because they have been long in possession of public walks, and other means of innocent recreation. Sir, if we could do anything to detach the people of England from the failing of inebriety we should be doing them more good than by the repeal of any tax; and here, Sir, I cannot help remarking how much credit the hon. Member for Sheffield deserves for his steady and strenuous promotion of Temperance Societies, which, in these respects, have proved so efficacious. Sir, if we could detach the operative classes of this country from the besetting failing to which I have alluded, we should be most instrumental to their health and happiness, and enable them to eat the bread of independence in their latter years. For I am happy to say, the operatives of this country are now in the receipt of such good wages, that could they only acquire regular habits, it would be in every man's power to provide himself with a nest egg in the saving's bank. As one cure of inebriety I recommend the adoption of this measure. To gin-palaces I would oppose public walks. Sir, the arguments I have used in favour of this measure equally apply to the second Bill, which is about to be brought forward by the hon. Member for Sheffield. Public libraries and scientific institutions are no less desirable in our provincial towns than public walks; for, Sir, in these days, when men's minds are on the stir, the more opportunities we afford them of intellectual occupation and intellectual improvement, the more shall we contribute to the benefit and happiness of all.

Mr. *Hughes Hughes* was not opposed to the Bill; but he was opposed to proceeding in so thin a House, with any measure, one of the provisions of which went to impose a tax upon the people.

House counted out.

HOUSE OF LORDS,

Thursday, May 5, 1836.

MINUTES.] Petitions presented. By several NOBLE LORDS, from various Places, for the Better Observance of the Sabbath.—By Lord DENMAN, from Hereford, against the Punishment of Death for any Crime but Murder.—By Lord HOLLAND, from Boston, in favour of the Municipal Corporations' (Ireland) Bill; and from Bradford, for the Abolition of the Duty on Newspapers.

HOUSE OF COMMONS,

Thursday, May 5, 1836.

MINUTES.] Petitions presented. By Mr. KEMP and General PALMER, from Bath and Helingley, for the Repeal of the Duty on Newspapers.—By Mr. GILLON, from the Weavers of Airdrie, Bathgate, and Torryburn, for a Regulation of their Wages.—By Colonel VERNER, from Portadown, for the Better Observance of the Sabbath.—By Lord CHARLES RUSSELL, from Ampthill, for Mitigation of the Criminal Laws.—By Sir CHARLES BLUNT, from Lewes, that the Vote by Ballot may be used in all future Elections.—By the LORD ADVOCATE, from Inverness-shire, for the Repeal of the Duty on Attorneys' Certificates; and from Edinburgh, for the Repeal of the Duty on Sales by Auction, Insurances, Legacies, Receipt Stamps; and from the Company of Merchants, Edinburgh, for a Repeal of the Duty on Fire Insurances; and from Leak, for the Abolition of Corporal Punishment; and from Leith, in favour of Spirit Licences' (Scotland) Bill; from Ballindaloch, against Salmon Fisheries' (Scotland) Bill.—By several HON. MEMBERS, from various Places, for the Better Observance of the Sabbath.—By Alderman THOMPSON, from Sunderland, against the Bishopric of Durham Bill.

MARINE INSURANCE.] Mr. *Robinson* had four Petitions to present for the reduction of the Stamp Duties on Marine Insurances, from Beaumaris, Bangor, Carnarvon, and the fourth was most respectably signed by 900 merchants, underwriters, and insurance-brokers of London. These were Petitions deserving attention, particularly the last, which was one of great importance, coming as it did from such an influential body, and he would therefore have to trouble the House with a very few facts, to show that, in the proposed alteration of the Stamp Duties, the right hon. the Chancellor of the Exchequer could not, in justice refuse to comply with the prayer of the petitioners. The whole tax only produced the comparatively small amount of 200,000*l.*, considering the magnitude of the transactions over which the stamps were spread, and their injurious consequences to the trade and commerce of the country. Such was the burden which this description of tax was considered, that upwards of twenty petitions had been presented from the most influential merchants, traders, and shipowners of the principal commercial towns in England for its repeal, and he (Mr. Robinson) had an assurance from the Chancellor of the Exchequer that it was under consideration. In the year 1822, when the imports and exports of this kingdom did not exceed 88,000,000*l.* the Stamp Duties produced 300,000*l.*; but in the year 1833, when the imports and exports had increased to 120,000,000*l.* and when, in the same ratio, the duties on stamps should have produced at least 400,000*l.*, they had fallen off to 200,000*l.* This simple fact alone he considered as a sufficient proof of the impolicy of the tax; and he (Mr. Robinson) had always understood, on the true principles of finance, that a better test of the impolicy of a tax could not be adduced, than that which he had now ventured to allude to. The reason was this, that British subjects had to send their insurances abroad, where they could be effected with equal security and less expense than in this country. There was another reason—

The *Speaker* begged to call the attention of the hon. Member to the rule that had been laid down for facilitating the public business—that of hon. Members confining themselves to the prayer of petitions, without reasoning on them. The proper time for so doing would be when the subject was before the House, but at present the hon. Member was taking too great a latitude in his observations.

Mr. *Robinson* would adopt the suggestion of the Chair, and would only trespass on the attention of the House for a few moments longer. He was desirous of stating the reasons for the decrease in this particular duty, and that was, that foreigners, who otherwise were disposed to insure their property in this country, were prevented from doing so by the facilities afforded for that purpose abroad, added to the dislike they had to contribute to the increase of our revenue. In conclusion, he would say, that many refused to cover their property to the full extent of the risk, in consequence of the high rate of marine insurance. With these facts before the country, he hoped the right hon. the Chancellor of the Exchequer would take the case into his consideration, and remove the burden complained of, which was trifling in amount compared with the benefit it would confer on the commercial and trading interests.

The Petitions were laid on the Table.

House counted out.

HOUSE OF LORDS,

Friday, May 6, 1836.

MINUTES.] Bills. Read a first time:—Insolvent Debtors' (Ireland); Instrument of Sasine (Scotland).

Petitions presented. By the Bishop of LONDON and several NOBLE LORDS, for Measures for the Better Observance of the Sabbath.—By Lord HATHERTON, from Tunbridge Wells, Wellingborough, and Tunbridge, for the Repeal of the Duty on Newspapers.—By Lord HATHERTON and several other NOBLE LORDS, from various Places, against the Punishment of Death for any Crime but Murder.—By the Earl of WARWICK, from Warwick, for the Alteration of the Ecclesiastical Courts' Consolidation Bill as relates to the future Grant of Probates of Wills.—By the Duke of CLEVELAND, from various Places, in favour of the Municipal Corporations' Bill (Ireland).

CONSTABULARY (IRELAND) BILL.] Viscount *Duncannon* moved the Order of the Day for receiving the Report of the Constabulary (Ireland) Bill.

Report brought up and read—several amendments agreed to.

The Duke of *Leinster* proposed the insertion of a clause such as was introduced into all former Bills, referring to secret societies, that Freemasons be exempted from taking the oath that they do not belong to any secret society.

The Earl of *Winchilsea* said, that he could not see why, if secret societies were to be objected to at all, freemasons should be exempted from that objection.

Viscount *Melbourne* referred to an Act of 1794, and was understood to say that the Freemasons' lodges were generally considered not to be political societies.

The Earl of *Roden* said, that although the Freemasons' lodges were not political societies at present, they might, at any future period, become so, and prove a very dangerous body, over which the Government would have no control. He thought, therefore, that there would be great danger in admitting the proposition of the noble Duke.

The Duke of *Richmond* would support the amendment unless, very strong proof were brought of the likelihood of Freemasons' lodges being turned to political purposes.

The Earl of *Radnor* said, there was one ground upon which he thought it would be hard to prevent a Freemason from being admitted into the constabulary body—namely, that, if he was rightly informed, a man who had once become a freemason, could never by any possibility, withdraw himself from that body, whereas with Orange lodges, and other secret societies, this was not the case.

The Earl of *Haddington* thought the constabulary force of Ireland should be kept free from all secret societies whatever.

Lord *Ellenborough* proposed to introduce an amendment upon the clause of the noble Duke, with a view to extend the exemption only to such Freemasons as now actually belonged to the constabulary force, but not to any future appointments.

The Duke of *Leinster* said, that, belonging as he did to a secret society, he was not at liberty to enter into any particulars in respect to them, but was understood to assure the House that there was nothing of a political tendency in the proceedings of Freemasons' societies

The Earl of *Winchilsea* said, he hoped his noble Friend would take the sense of the House upon his amendment, if the noble Duke opposite was not prepared to agree to it, for he had read a report of a political speech, said to have been delivered at a Freemasons' lodge.

Viscount *Strangford* said, it was perfectly impossible that any speech delivered at a Freemasons' lodge could have been reported.

The Marquess of *Londonderry* said, that knowing as he did what secret societies were, he must insist upon the principle of applying the same regulations equally to all of them. He hoped that his noble Friend would persevere in pressing his amendment, and that if it were carried, the noble Duke would be content to receive his amended clause as an instalment, as was then generally said of amendments of the kind, and be satisfied.

The Earl of *Winchilsea* explained, that he had read the report of a speech made by the Noble Grand Master of the Freemasons of Ireland; and added, that unless the noble Duke opposite agreed to the amendment proposed by his noble Friend upon his clause, he should oppose the clause altogether.

The Earl of *Ripon* said, that of the two propositions he should rather prefer the clause as it stood, because if it were admitted that there was no danger in permitting Freemasons to remain in the constabulary who happened to be there already, he could not see that any objection could be urged against admitting others of the same body.

The House divided on the Duke of Leinster's clause. Contents 44; Not Contents 41: Majority 3.

The report was received.

ECCLESIASTICAL FUNDS (IRELAND).] The Earl of *Ripon* wished to call the attention of their Lordships to what appeared to him to be a most important subject. Their Lordships would recollect, that his Majesty was graciously pleased, at the beginning of this Session to recommend to Parliament the subject of tithes in Ireland; and, in all probability, an attempt would soon be made to give effect to that recommendation. It was, therefore, indispensably necessary that the House should be previously furnished with the requisite information for explaining the whole of this question. To enable their Lordships to come to a sound decision, the motion with which it was his intention to conclude, had for its object to bring before the House some information of which, at present, it was not in possession. He apprehended that under the peculiar circumstances belonging to the question of tithes in Ireland, it was impossible to enter upon its discussion without taking into consideration, not merely what might be the best mode of proceeding as regarded not only the owner of tithes, but also the payer of the tithes; not only what was the best mode by which that property might be secured and realized, but also the present condition generally, and the future prospects, of the Church. It appeared to him that it was the more incumbent upon them to take this view of the question, particularly if it should happen that any proposition were to be made to their Lordships that should involve an appropriation of sums for any purposes not belonging to the Church—for an appropriation of any portion of the tithes; and, above all, it was necessary for them to look to this, if it should happen that such a proposal was founded on the assumption that there existed a surplus in the funds of the Church. It appeared to him to be the more necessary to do this whenever they were called upon to discuss that proposition, to which he was not going to advert further on the present occasion. It was the more necessary, whenever they were called upon to do so, that they would bear in mind the condition of the Church, the means of maintaining it; and when the question of tithes came before them, it must be the more necessary for them to keep those points in view. Their Lordships would see that the question of adequacy or inadequacy of Church property, involved not merely what was required by the clergy, but what was required for worship. It appeared to him that there was a great mistake committed by those who talked upon that subject. When Church property was mentioned, persons seemed to consider it as if it belonged to the individuals now receiving the revenues derivable from it. He thought that such persons took a most erroneous view of the matter. The Church property was not the property of individual ministers of the Church; but it was the property of the whole body of Christians professing that particular creed. It was true that the law regulated the disposal of that property with a view to the public advantage. That was the great object for which it was interfered with—for the public advantage, and for the benefit of the Church. That property belonged to the Church—a Church united to which there are 853,000 souls, and to whom the present appropriation of this property was of vital importance, and who never would consent to alienate it for any other purpose. It would then be a question which their Lordships, he was sure, would weigh well, how they were to treat that property. He was sure that their Lordships would never consent to its application to any other purposes than those legitimately and truly belonging to the Church. Now, so far as regarded that part of the question, that belonging to the income of the clergy as it now stood, they had information, he believed, on the Table of the House sufficient for them thoroughly to understand that portion of the subject. A Commission had been appointed five or six years ago to inquire into the revenues of the Archbishops and Bishops and the various dignitaries of the Church. Another Commission was appointed in 1834, which took upon itself the rather affected title of Commissioners of Public Instruction; and it could not be doubted, that those Commissioners together gave a great deal of useful information concerning the parochial clergy of Ireland, the limits of cures and benefices, and the number of the congregations, so that on that subject information was not required. There was another branch of the subject to which a great deal of attention ought to be paid, and on which the information was very far from being complete—it was that which respected the portion of the Church revenue, applicable to the performance of divine worship, and to the payment of the inferior officers of the Church, such as clerks and sextons, together with the increase of small livings, the providing a decent residence for the clergy, and decent places of worship for divine service, wherever the wants of a growing congregation required new churches. It was manifest that these were material objects to be considered, objects without which divine service could not be properly performed. Now the information their Lordships had at this moment was not sufficient for them to understand the whole of this case. It was not that they were without all information; because it was perfectly true that Commissioners had been appointed in 1833, under the Church Temporalities Act. They had laid upon the table two Reports of their proceeding, but the last Report of those Commissioners did not bring any information beyond August 1835; and the object of his motion was this—he wished to call for an account of the funds at the disposal of the Ecclesiastical Commissioners in Ireland, and their revenues and expenditure from August last up to May in the present year. That Act (the Church Temporalities Act) had made the most important changes in Ireland, and amongst them not the least inconsiderable was the relief which it had afforded to those not connected with the Church, on removing that which had been stated in 1825 to be one of the great grievances under which they laboured — the payment of church-cess. That Act was also one of regulation for the church itself. It relieved the people from church-cess calculated to excite much ill blood and render the Church odious. So far, the Act was a relief to one party, but then it deprived the Church of all the advantages which it derived from the tax then levied. For the tax that was taken, it was proposed to impose a tax upon all clergymen whose income exceeded 300*l.* a-year. In addition to that, it, as some said, suppressed, but as he should apply the word, it "amalgamated" no less than ten bishoprics, and the possessions belonging to them were assigned to the Commissioners. For what objects were the funds thus given to the Commissioners to be applied? To provide an adequate maintenance for the poorer clergy, to provide suitable residences, to uphold proper places of worship, and other requisites without which any Church, whether established or not, could not be properly preserved. It was for purposes of vital consequence to the Church. The funds of the Church were by that Act made applicable to Church purposes. The preamble of the Act declared that it was expedient that first-fruits should be abolished, and an annual tax be substituted in lieu thereof; that a compulsory assessment—by vestries, for certain purposes should be put an end to; and also, as the number of bishops was about to be diminished, their revenues should be applied to the building, rebuilding, and repairing of churches, and to such like ecclesiastical purposes; and for the augmentation of small livings, and such other purposes as might be conducive to the advancement of, and effectual permanency and stability of, the Established Church in Ireland. Was it possible, he would ask, for words to describe more distinctly what were the objects of the Act, or to place those objects beyond the possibility of a doubt? It was upon the words of the preamble that he relied; and he begged to ask again, upon what other principle was it that the Act was recommended and vindicated against the objections urged, with no small zeal and ability, in opposition to it? It had been, it would be remembered, discussed for three days before their Lordships, and the principle laid down by its supporters was, that it would benefit the Church. It was described by its opponents to be a measure fraught with the most formidable danger to the Established Church, if not directly aimed at its destruction. But how was that argument met? First, by the denial that such was the object of the Bill; and, secondly, by the statement that its practical effects would be diametrically the reverse. Their Lordships were asked—what would have been the condition of the Church, and its capacity to cope with the dangers to which it was stated to be exposed, if at the time of the Union such a Bill had been passed; if, as provided in that Act, so many thousands a-year had been assigned for the building of new churches, so many to the erection of glebe-houses, so many to the increase of small livings? It was further contended, that the benefits of the Bill would not be confined to the Church alone, but would be extended to the Roman Catholic population itself, who (it was maintained) were deeply interested in the respectability of a resident Protestant clergy; and, finally, the argument in favour of the Bill was wound up by asserting that a resident parochial clergy would be most beneficial in its results; that even, though they might not be the ministers to the greater part of their parishioners, their utility would be very great; that the Protestant clergyman would be to his parishioners a minister of peace, for that he would, by his station and constant residence, have opportunities of conciliating their goodwill, by sympathizing with their wants, their cares, and their necessities, and by the performance of a variety of good offices, the importance of which (it was truly said) it would scarcely be possible to exaggerate. He had entirely concurred in those arguments, and he was entitled to conclude that they influenced the final decision of the House, because, after a long discussion and a vigorous opposition, the Bill was passed into a law. The Act bore upon the face of it that it was a Parliamentary contract; he so considered it; and until this contract was completed the Church did not obtain that which it was positively entitled to, and which their Lordships were bound in honour to see effected, and before which they could not take away any portion of its property. What, then, was the actual condition of the funds? He was not going to throw any blame upon the Commissioners, he believed they had done all they could; and if they had not succeeded in completing all the purposes assigned to them, it was not their fault; because, from the very nature of the provisions of the Church Temporalities' Act, and the peculiar circumstances of the case, their resources bore no relation to the extent of the demands upon them. But their Lordships would bear in mind that the objects for the promotion of which the Commission was constituted, were declared by the Act itself (as he had before stated) to be essential to the efficiency, the permanency, and the stability of the Established Church in Ireland. It was stated, on the one hand, when that Bill was first introduced, that the funds that would be at the disposal of the Commissioners would ultimately amount to a very considerable sum; whilst, on the other hand, the estimated expenditure which the Commissioners would have to meet out of those funds, would also be very considerable. It was supposed that 50,000*l.* a-year would result from the consolidation of the bishoprics; that the tax on the remaining bishops would produce 4,600*l.* per annum; the tax on incumbents 41,800*l.*, and the interest of the money to be obtained from the sale of perpetuities 40,000*l.*; and the result of the whole, including one or two other items which it was not necessary at present to mention, would be, taking into consideration the effect of the arrangements made with respect to the Archbishop of Armagh, the Bishop of Derry, and some antecedent contracts of the Board of First Fruits—the result of the whole would be about 156,840*l.* The charge was estimated in this way;—The sum necessary to make up what had formerly been derived from church-cess was 60,000*l.* a-year, to provide for the repairs of the church, and every thing necessary for the ordinary performance of public worship; the augmentation of small livings required 46,500*l.*; for building churches, 20,000*l.*; glebe-houses, 10,000*l.*; making a total of 136,500*l.* He was perfectly aware that this statement had, from subsequent information, been proved not strictly accurate. First of all, the amount assumed as likely to be derived from the tax on incomes, was greatly overrated at 41,800*l.*; whereas the greatest amount that could in any imaginable circumstances, accrue was 32,000*l.* Another Act placed at the disposal of the Commissioners a fund which was estimated to amount to 22,000*l.*; but the Commissioners very fairly stated, that they had no means of ascertaining whether that was an accurate statement, and it was therefore impossible to say that the fund would ever be realized. On the other hand, material items of expenditure had been omitted; the expense, for instance, of the Commission itself, which in August, 1835, was not less than 12,000*l.*, and therefore the balance might turn out pretty nearly as he had before estimated it. But there was this remarkable circumstance to be taken into consideration—that while the objects to which it was intended those funds should be applied were of urgent, pressing, and immediate necessity—many of them which could not be dispensed with, the funds themselves were distant, uncertain, and remotely contingent; and the Bill, therefore, contained a clause authorzing the Commissioners to begin their operations by incurring a debt; and up to August last, not only were their funds insufficient to meet the charges previously defrayed by the vestry cess, but there was not a single farthing for any of the other great and important objects for which the Bill was passed and the Commission instituted. The first Report of the Commissioners stated their receipts, as derived from all sources, for the year ending August 1, 1834, at 68,728*l.*, and their expenditure at 51,043*l.*—thus leaving an apparent balance in their favour of 17,685*l.* But there were two sums included in their receipts which were not properly to be classed as income.—the sum of 46,000*l.* borrowed from the Government, and the sum of 2,365*l.* derived from the sale of perpetuities, which sum, so obtained, was originally destined to be vested in some securities bearing interest, and not to be applied as income and current expenditure. If these two sums, amounting together to 48,365*l.*, were deducted from the above sum of 68,728*l.*, their real receipts for that year would not exceed 20,365*l.* Instead, therefore, of a balance of 17,000*l.* in favour of the Commissioners, there would be a real balance against them of 30,677*l.* in the course of that year. Applying the same principle to the following year, ending August 1, 1835, a corresponding result would be found. The apparent income of that year was stated to be 185,713*l.*, and the expenditure 120,253*l.*; but from the income were to be deducted the following sums—1st, the fictitious balance of 1834, 17,680*l.*; 2nd, money borrowed from the public, 46,000*l.*; 3rd, money obtained by the sale of perpetuities, 89,552*l.*; total, 153,237*l.* This would leave their real receipts at 32,476*l.* Deducting, on the other hand, from the expenditure the sum of 46,000*l.*, repaid to the Government, their expenses for the second year would be 74,252*l.* The total result of the two years would therefore be as follows:—Expenditure, 125,294*l.*—Income, 52,839*l.* leaving a deficiency of no less than 72,455*l.* Their Lordships would therefore perceive that the means of the Commissioners had been totally inadequate for the purposes for which they had been appointed. By referring to the balance-sheet, their Lordships would find that the greater portion of the receipts which were obtained had been derived from the amalgamated bishoprics. The amount estimated to be derived sooner or later from that source was 50,780*l.*, and including the archbishoprics of Armagh and Derry to 61,440*l.* The total amount received during the year, however, was only 16,000 and odd pounds, leaving a deficit under that head of 45,000*l.* or 46,000*l.* There had been very heavy charges thrown upon these Commissioners, which he was afraid but too characteristically belonged to that unfortunate country, namely, by the non-payment of local dues. These had been vehemently and successfully opposed, the consequence of which was, that a very great arrear had been thrown upon the funds of the Commissioners, and they had already paid upon this head 46,000*l.* In this manner had been applied the 46,000*l.*, which they had borrowed from one department of the Government; upon which they availed themselves of another claim on the sum they were entitled to borrow, 100,000*l.*, which in common parlance was what he would call "flying a kite." Then came the important question of repairs of churches, and it had been said that the longer they were delayed the heavier would be the charge, but the Commissioners had no funds to make those repairs. They stated that one of the most onerous and important duties they were engaged to perform was the repairs of chapels and churches—that they had deemed it prudent to enter into an engagement to the amount of 75,000*l.*, but that they had not been able to keep that engagement. The Commissioners, however, could not help that. Having borrowed 46,000*l.* to pay off the same sum, they were now going to borrow 54,000*l.* in order to execute that which they should execute by drawing upon the funds of the church. This he would almost call, though he did not like doing so, a case of bankruptcy. It was, at all events, any thing but a case of financial prosperity. But there were other objects to which their funds were to be applied. The first of these referred to the increase of small livings. Their Lordships were aware, from accounts on the Table, that there were many livings which did not amount to 200*l.*, many that did not amount to 100*l.*, and some not even to 50*l.*, but that altogether there were several hundreds of them which did not amount to 200*l.* a-year. One of the objects of this Bill was to give these Commissioners the power of augmenting these small livings. Another important item of their estimated receipts was the tax upon beneficed clergymen of different degrees; this was at first calculated to produce 46,400*l.* a-year; but the Commissioners had subsequently, upon more precise information, reduced this estimate to 22,000*l.* Still, however, this constitutes an important item in their receipts; and it would not be uninteresting to their Lordships to know how much had actually been received under this head. They would find, then, upon referring to their Report, that, during the year 1834, they received nothing under this head, and, in the year 1835, the enormous sum of 7*l.* 5*s.* 7*d.* Looking, therefore, at these two items of receipt, estimated to produce, ultimately, rather more than 83,000*l.* per annum, their Lordships would find that the Commissioners had obtained no more than 16,519*l.*, or nearly 67,000*l.* less than the estimate. Turning from the revenue to the expenditure of the Commissioners, let their Lordships mark what had been the nature of the demands upon them, and the extent to which they had been able to meet them. They stated in their second Report, that "in the year ending August 1st, 1835, they had spent, under the head of things necessary for the celebration of divine service in each church and chapel for the year beginning at Easter, 1834, various sums to the amount of very nearly 30,000*l.*;" but they added, "that the payments under this head were not all completed within the year, so that in the current year, 1836, they would have to pay out of the income certain sums really payable for the service of 1835 out of the income of 1835." There was another very heavy charge which had fallen upon the Commissioners, and which deserved particular notice. Their Lordships were aware that from circumstances which in Ireland were but too characteristic of that unfortunate country, the payment of legal dues was in many cases successfully resisted. Accordingly it appeared, that for two or three years before the abolition of the vestry-cess, in various parishes that impost had been withheld, and the objects to which it was destined had been left unprovided for. These arrears, though legally due, were remitted to the several parishes in question by a clause in the Church Temporalities' Act, and the payment of them was thrown upon the Commissioners. It appeared, that under this head they had already paid upwards of 46,000*l.*; but as their own funds were totally inadequate to meet this charge, they were only enabled to make these payments by borrowing from the Government the above sum of 46,000*l.*; thus commencing their operations by incurring a considerable debt. It was true that they had subsequently repaid that sum; but how had they done it? Why, by borrowing it from another department of the Government, under the provisions of another Act of Parliament; and thus adopting in regard to this debt, a course which, in common parlance, is called "flying a kite," paying one debt by contracting another. Another most important item in the regular and ordinary expenditure of the Commissioners was occasioned by the necessary repair of churches and chapels throughout Ireland. This was an object which formerly was provided for out of the vestry-cess, and constituted a principal demand upon that impost. The same circumstances which occasioned the great arrear to which he had just now alluded, caused this also to fall into arrear; so much so, that the exigency of the case became urgent to the greatest degree, and was adverted to with considerable emphasis by the Commission, in a paragraph of their Report, to which he would call their Lordships' attention. The Commissioners described their duty, as regarded this subject, as one of the most onerous and important that they had to discharge. They said that they had obtained detailed estimates of such repairs as ought to be immediately executed, but that, as the state of the funds only admitted of a selection being made of the most pressing cases, and as delay only increased the evil, they had deemed it prudent and indispensable to enter into engagements to the amount of 75,000*l.*, which engagements they proposed to meet in this way:—they set aside, out of their incoming funds, the sum of 21,000*l.*, and the remaining 54,000*l.* was to be obtained by a loan from the Government, being the residue of a sum of 100,000*l.*, which the law allows them to borrow, and of which they had previously borrowed 46,000*l.* to pay the arrears of vestry-cess. Having thus borrowed the whole sum of 100,000*l.* for the execution of a purpose for which that sum was confessedly inadequate, they might be described as being in a state of bankruptcy, and although he might be unwilling to apply to the case so strong an expression, he was, at all events, warranted in contending that they were in anything but a state of financial prosperity. There were, however, other objects of equal importance to which the Commissioners were bound to attend, and in respect to which they laboured under precisely similar difficulties—he alluded, first, to the increase of small livings, one of those points, be it remembered, which were described in the preamble of the Church Temporalities Act as being essential to the efficiency and stability of the Church. Their Lordships were aware, from documents already on the Table, that out of the 1385 benefices in Ireland, there were very many under 50*l.* a-year, many under 100*l.*, many under 150*l.*, and upon the whole several hundred livings under 200*l.* per annum. Surely, 200*l.* per annum was but a small pittance for the remuneration of a respectable and well-educated gentleman, called upon by the duties of his situation to reside amongst his parishioners, and to exercise amongst them the rites of hospitality and the obligations of charity? In speaking of this sum of 200*l.* a-year, he was not stating merely his own view of what was reasonable, he was founding upon the Act, which although it limited to 200*l.* a-year, the sum to which small livings might be augmented, nevertheless exempted from the tax upon benefices all livings under 300*l.*, thus establishing, by an unquestionable proof, the fact, that Parliament did not deem even 300*l.* to be an unreasonably large income for a clergyman to enjoy. But, then, what had the Commissioners been able to do in this matter?—absolutely nothing! It was true, that in a very few cases some slight augmentation had been afforded by the disappropriating benefices from sinecure dignities, and by the application of Bishop Boulter's Fund: but the latter was a private fund of a very limited amount, and the former mode of increase could be applicable to very few cases only. Here, then, were several hundred livings, at least one-third of the whole, with an income confessedly inadequate, and without any existing means of increasing them: and this was a Church described by some persons as wallowing in wealth, degraded by luxurious indolence, and existing with a surplus of revenue. The next topic touched on in the Report was glebe-houses: and their Lordships would find, upon reference to the Report of the Commissioners of Public Instruction, that there were no less than 536 parishes in which there was no glebe-house whatever. Now, he would ask, what was the condition of a clergyman, as an official minister of religion, if he had not a proper residence? How could he be expected to perform his duties towards his flock if the want of a residence interrupted his habitual intercourse with them It was not that he would wish to see the clergy dwelling in palaces of extravagant dimensions; but every consideration of fitness and propriety gave them a right to a comfortable and decent house. The last topic to which he had to advert was Church accommodation, and he must premise that what he was about to notice was independent of any question affecting the keeping in repair existing churches. There were in Ireland 210 benefices out cf 1385 in which there were no churches whatever; and if their Lordships were to look at this question with reference to the number of parishes, and not of benefices, the extent of the deficiency would be greatly increased, and he had no doubt that, at least, 359 or 400 parishes would be found destitute of a church. This was a serious injury to the Church; and the Commissioners felt it to be so, for they spoke of it in their two Reports in very strong terms—

> In connexion with the subject of churches, the Commissioners say in their first report, they cannot but express the satisfaction they feel in having to report to your Excellency, that many applications have been made to them for aid for the erection of additional churches; it appearing that the accommodation at present subsisting in those districts or parishes from which the applications have been received, are quite insufficient for the congregation of the Established Church; and whilst the Commissioners have to mention that, in many cases, the parties have expressed their willingness to contribute, or cause to be contributed, certain proportions of the expenses of building, in some cases amounting to a fifth, in some to a half, and in others, to three-fourths of the expenses requisite for the purpose, they cannot but reject that, as their surplus funds alone are applicable to the objects now under consideration, they could hold out no immediate prospect of the application in question being favourably entertained at present. The Board have, however, given every assurance in their power, that as soon as there shall be any available fund for such purposes, these applications shall receive the earliest consideration; and they are fully satisfied, from the inquiries which have been made at this office, that had they been enabled to hold out any present encouragement to the building of churches, the applications on this subject would have been, under such circumstances, far more numerous than those they have now to refer to.

Could anything, in a matter of this kind, more imperatively require assistance than the case he had just stated? The Act authorised, nay, required such assistance to be given; the parties seeking it showed the sincerity of the feeling with which they urged it, by undertaking to share in the expense; and yet all that the Commission were enabled to answer to their application was, that when they had the means they should be happy to apply them! What he had just stated referred to the year 1834. Let their Lordships' now see how the matter stood in the year 1835. The Commissioners, in their Second Report, expressed themselves as follow:—

> The Commissioners have also to state, that applications have been received for aid, not only for the enlargement of several churches,

where the accommodation has been reported to be quite insufficient for the respective congregations, but also for the rebuilding or erection of sixty churches; and in many of these applications, the parties have expressed their willingness to contribute sums varying from 60*l.* to 600*l.*

Here was the same eagerness of application as in the first year; the same readiness to contribute on the part of the applicants. He was not surprised, he confessed, to find, in the First Report, that a negative answer had been given to such applications: but when he read the above paragraph of the Second Report, he did flatter himself that at least a beginning had been made in forwarding this important object; he indulged hopes, that the prospects were more encouraging; but these were wofully disappointed:—

Tolluntur in altum
Ut lapsu graviore ruant.

The paragraph of the Report concluded:—

Several of these applications appeared to be so pressing, that the Commissioners have been induced to direct—

What would their Lordships think?—that assistance should be immediately given?—not at all; but——

—that a special memorandum shall be taken of the cases, in order that, as soon as they have any funds available for such purposes, the wants of the parties may be provided for.

Cold comfort this, for men who were seeking the attainment of an object in which what is most dear and important to them was involved. Cold comfort this, for men whom Parliament itself had taught to believe that adequate church accommodation was essential to the efficiency, the permanence, and stability of the Established Church. All he could say was, that for many years of his life it had been his lot to have at his disposal a share of official patronage; many of his noble Friends on both sides of the House had been similarly situated; and it had frequently happened to him (as doubtless it had to others) to be compelled, upon pressing applications for it, to answer—"I should be very happy if I had it in my power to comply with your wishes; but you may depend upon it that I will make a note of your application." He never knew an applicant satisfied with that answer. Could the Church of Ireland then be satisfied with it? Such, however, was the answer, and not a doit had the Commissioners given for the purpose. This matter derived additional importance from a circumstance to which he could not avoid referring. It had been over and over again stated that the Church of Ireland had failed in its object—that the numbers of its followers did not increase—and that it was preposterous to attempt to bolster up an institution which was so unequal to its professed duties. Was the fact so? By no means. If their Lordships referred to the Reports of the Commissioners of Public Instruction, they would find that, out of 2,405 parishes in Ireland, the members of the Church of England had increased in no less than 1,200 parishes, being one-half of the whole, in the year 1834, as compared with the census of 1831. This fact was an unanswerable refutation of the calumny urged against the efficiency of the Irish Church, and showed the wisdom of the law to which his remarks had applied, in laying the foundation for a provision for the wants of an increasing communion. He felt confident that what he had taken the liberty of submitting to their Lordships ought to be borne in mind in any future discussion upon this subject. He had shown what were the principles, the objects, and the provisions of the Church Temporalities Act—he had pointed out the nature of the arguments by which it was recommended and supported in the House—he had shown the nature of the compact which that Act established between the State and the Church in Ireland—and he had shown how imperfectly, up to this moment, that contract had been carried into effect. It involved an obligation by which the good faith of Parliament was bound, and which he for one, could not shake off. He should conclude, by moving for an

Account of all receipts and disbursements by the Ecclesiastical Commissioners for Ireland, for nine months, ending 1st May, 1836; distinguishing the specific sources from which all monies have been derived, and shewing the total amount derived from each source, and the specific purposes to which the receipts have been applied:—and also, a

Statement of the number of applications made to the Ecclesiastical Commissioners for the enlargement, rebuilding, and erection of additional churches, as referred to in their two Reports; distinguishing the locality and diocese of each parish from which the application has been made.

Viscount *Melbourne* said, as it was not his wish to throw any obstacle in the way of the motion of the noble Earl, and as it was not his intention to offer any thing like opposition to it, he did not consider it necessary to trouble their Lordships with more than a very few observations on the present occasion. He agreed entirely in the general statement made by his noble Friend. He concurred with his noble Friend when he said, that seeing what was the state of Ireland, and considering the state of the tithe question in that country, it was necessary they should have before them the fullest, clearest, and most distinct information bearing on the subjects that could be obtained. He concurred also in the opinion with which his noble Friend commenced his speech, viz., that it was a narrow, insufficient view, to take of this question, to say that Church property in tithes or in land was in any way to be considered the property of the ministers of religion. He agreed with him that it was the property of the whole of the community, who were bound together in the same bond of religious faith. He agreed with his noble Friend that tithes and other descriptions of Church property were the portion of the national altar, which had been set aside by the institutions of the country, by the piety or superstition of former ages, for the maintenance and security of the Established Church and the established religion of this country; and so being part of the national property, it was in the power of the State to increase it if it were too small, or to diminish it if it were too large, or to distribute it as it pleased, and to apply it to those purposes which were considered the fittest to promote the great end and object which its contributors had in view. He entirely agreed in the principle laid down by his noble Friend; it was indeed, the one which he had always held as the only safe principle on which the Government and the Legislature could proceed with regard to these subjects. He concurred, also, in the history given by his noble Friend of that great Act which passed, he believed, in 1833; he concurred as to the object of that Act and the means provided to effect them. But he must observe that the insufficiency of the funds to be derived under the Act was foreseen. At the time that Act was in this House, it was expected that the funds, in the first instance, and for a considerable period, would be insufficient for the purposes which were contemplated, but when his noble Friend affirmed that the Act was a compact between the Church and the State, he must say, that it was no more a compact than any other Act; and if his noble Friend meant by his assertion, that by passing that Act they entered into an arrangement by which they precluded themselves from entertaining any other measure till all the objects professed in that Act had been carried into effect, he, for one, could not concur with his noble Friend. He conceived the Act to have been passed for the regulation of those matters to which it was to be applied, but it left other matters open for the consideration of the Legislature. He must say, further, he did think that the statement his noble Friend had made, showing what had been the tardiness of the operation of the Act, and its insufficiency for the great purposes which it had in view, was proof and argument that however much some such measure was wanting at the time it had passed, it had proved insufficient for the attainment of the object for which it was introduced. He could not go into the detail entered into by his noble Friend respecting the proceedings of the Commissioners; but agreeing with him, that in all their Lordships' future deliberations on this subject, it was necessary they should carry in their minds the objects of the Act and its operation, he was happy to find that his noble Friend had turned his attention to the question, and had called for information connected with it, which, of course, it would be his anxious wish to assist him in procuring.

Motion agreed to.

HOUSE OF COMMONS,

Friday, May 6, 1836.

Minutes.] Read a first time:—Small Debts' (Scotland); Petty Sessions' (Ireland).

Petitions presented. By several Hon. Members, from various Places, for the Repeal of the Duty on Newspapers.—By Mr. William Roche, from Inniscarra and Mathela, for the Abolition of Tithes (Ireland).—By Mr. Horace Twiss, from Bridport, for the Repeal of the Legacy Duty on Charitable Bequests.—By the Attorney-General, from Edinburgh, for the Repeal of the Duty on Church Building Materials.—By Sir William Follett and Mr. Robert Wallace, from Exeter and Greenock, for the Repeal of the Duty on Fire Insurances.—By Mr. W. S. O'Brien, from Limerick, to Allow a Drawback on the Importation of Glass into Ireland.—By Mr. Ewart, from Liverpool, for the Repeal of the Duty on Stamp Receipts.

Parlethorpe Chapelry.] Mr. *Granville Vernon* moved the second reading of the Parlethorpe Chapelry Bill.

Colonel *Sibthorpe* opposed the Bill. He designated this as an attempt to smuggle a private Bill through that House, which would have the effect of wresting from the rector, the Dean of Lincoln, without the sanction or colour of law, under the specious pretext of an endowment, the right which he possessed in the chapelry, which would devolve on Earl Manvers, who previously had obtained the sanction of his relative, the Archbishop of York, for so doing. It was an infringement on the right of Church property of the most dangerous description—that of converting it to private purposes; an infringement which he called on the House not to sanction, and on that ground he claimed their support in the amendment which he would propose, that the Bill be read a second time that day six months.

Mr. *Granville Vernon* said, that it would be much more agreeable to him to abstain from introducing any personal allusions in supporting this measure, but the hon. Member for Lincoln had rendered it necessary that he (Mr. Vernon) should go into some of the details in vindication of the character of the noble Lord (Manvers) who had proposed to effect this endowment. The noble Lord did not seek for any benefit to himself, nor to divest the Vicar of Edwinstowe of any of his present or contingent income, which he was entitled to by law. He was desirous of promoting the efficiency of the Church, by securing weekly services in a chapel in which, by law, there was only provision for alternate duty. He (Mr. Vernon) was grieved to learn that the opposition to this splendid proposal should proceed from a dignitary of the Church, he alluded to the Dean of Lincoln, the patron; the incumbent, who is his son, having in the first instance acquiesced in the duty being performed by Lord Manvers's chaplain. Therefore, no scruples could have existed in that quarter as to parting with the cure of souls of one hundred persons out of the 2,000 with whose charge he was originally intrusted. He (Mr. Vernon) believed that the apprehension which the Dean entertained was this, that if a new benefice was created, the time might arrive when persons would inquire how it happened that the tithes of that township had gotten into the pocket of the Dean of Lincoln and the vicar of another benefice; and as there was a disposition, on the part of the real friends of the Church to apply the surplus incomes of chapters to promote religious services in the districts from which the revenues were derived, he might fear that something would spring up to prevent the appropriation of those funds. The hon. Member for Lincoln had stated that this Bill was in contravention of an Act of Parliament, in which he was mistaken. He (Mr. Vernon) contended that the patron and incumbent would be benefited by this measure; for it exonerated the latter from the alternate duty in that chapel, which was one of three chapelries attached to a decayed church, and from which there had proceeded many memorials to the Archbishop, complaining of the inefficient discharge of divine service. It was impossible for one incumbent to do justice to all the duties. The delay of bringing forward this question arose from a disinclination to drag before the public circumstances so discreditable to the Church; and a hope was entertained that, through the intervention of friends, the Dean would have conceded the point; and, moreover, it was held out that he would endow the chapelry out of the chapter funds. He (Mr. Vernon) should have approved of this so much, that he would not have proceeded with a private Bill in contravention of such an object; but in that he was disappointed, and no other alternative was left. The Archbishop—who was acting on the commission for extending more widely the services of the Church—accepted the proposal of Lord Manvers, and earnestly recommended it to the consent of the incumbent, who had referred himself in his answer to the pleasure of his patron. With all these facts before him, he would not shrink from facing the Gallant Officer's amendment.

Mr. *Evelyn Deniso* confirmed the statement of the hon. Member who spoke last. According to his (Mr. Denison's) notion, the Gallant Officer, the Member for Lincoln, had not sufficiently informed himself of the facts of the case to enable him to make a clear or satisfactory statement, in which he had signally failed. He would support the second reading.

Mr. *Hume* was much surprised that that which was a public question should be brought forward in the nature of a private Bill. It appeared strange to him to hear of individuals being so liberal, and of hon. Gentlemen now coming forward to prop the Church. It was also rather strange to see the noble Lord (Manvers) and the Archbishop of York opposing the views of the vicar and incumbent. He (Mr. Hume) was of opinion that the opposition of the gallant Officer to this Bill was well founded; for if the noble Lord succeeded in the endowment, there was nothing to prevent him from coming forward hereafter and claiming compensation. Why not the Commissioners come forward and report to that House what ought to be done? He hoped the Bill would not proceed further.

Mr. *Thomas Duncombe* considered the Bill as calculated to form a new district, and consequently the Church should defray the expenses. He trusted the Bill would be thrown out.

Mr. *Galley Knight* supported the motion, and defended the generous proposition of the noble Earl (Manvers), by whose liberality in the cause of religion the Church would be a gainer of 100*l* a year. He would cordially support the Bill.

Colonel *Sibthorpe* only discharged what he deemed to be his duty in the part he took in opposing this measure, but he disclaimed all want of proper feeling towards the noble Lord.

Strangers were then ordered to withdraw. The House divided, Ayes 71; Noes 54; Majority—17.

Bill read a second time.

THE TEA TRADE.] Mr. *Grote* presented a petition from a number of persons interested in the tea trade, and begged to put a question, founded on the petition, to the Chancellor of the Exchequer. The House was aware that all teas arriving after 1st July next would be subject to the equal duty of 2*s.* 1*d.* per lb. The quantity of Bohea imported, he was sorry to say, was unusually great, and the loss upon it, therefore would be very considerable. He had been intrusted by the petitioners, comprising the principal persons in the tea trade, to ask the Chancellor of the Exchequer whether it would not be possible to afford them some relief?

The *Chancellor of the Exchequer* said, that this topic had been recently brought under the consideration of the House when he had stated the course he was prepared to pursue. The facts were in a very narrow compass. By the alteration made in the tea-duties last year, all teas imported after the 1st July next were to be admitted at an equal duty of 2*s.* 1*d.* per pound: up to the 1st July the old duty would continue in operation. Of this change in the law all parties had knowledge, not by a Treasury intimation, but by a positive Act of Parliament. It so happened, however, that the quantity of Bohea teas imported, and about to be imported, infinitely exceeded the calculation; and under these circumstances, certain parties had applied to the Treasury to be allowed to take their bonded Bohea teas out of the warehouses after the 1st July, at the lower rate of duty. His reply had been that the Treasury had no power, and that Parliament alone could give the parties relief, if due ground were shown. They represented how seriously they should be injured, and some of them, perhaps, altogether ruined; but still he felt that he could do nothing but refuse acquiescence. They stated further, that there were no adverse interests to be damnified by a relaxation of the law, and that importers and dealers were all agreed upon the point. He had, therefore, moved for copies of the memorial to the lords of the Treasury, in order to call the attention of all persons to the pending question; and undoubtedly he had received intimations, not very numerously signed, nor from many places, showing that to comply with what was required would be injurious and inconvenient. He wished it to be distinctly understood that on revenue grounds he did not oppose the object of the memorialists: he should make no objection, as Finance Minister, to any relaxation; but he saw very good reason for not altering the existing law upon insufficient grounds and *ex parte* statements. No alteration could be required till the 1st of July, and in the mean time the papers before the House would be printed and circulated. The hon. Member would excuse him (the Chancellor of the Exchequer) if, on the present occasion, he did not give a distinct reply to the question. He was anxious first to ascertain whether there were or were not any adverse interests. It was a subject not involved in the finance statement he was about to make; but at all events he intended to reserve himself respecting it until he should be able to ascertain whether any, and what, parties would be injured or affected by the introduction of a measure to accomplish the wishes of the petitioners.

SUGAR FROM BEET-ROOT.] Dr. *Bowring* put a question respecting the manufacture of Sugar from Beet-root—a process which he understood had lately been brought into this country. He wished to know whether the Chancellor of the Exchequer was acquainted with the fact, and whether he did not think that success in such an experiment would be attended with the most injurious consequences? If it succeeded, it might be necessary, as had been the case with the recent cultivation of tobacco, to pluck up the beet-root by the roots.

The *Chancellor of the Exchequer* replied, that he had heard of such an experiment, and that the result had been a most signal failure.

THE BUDGET.] The Houe having resolved itself into a Committee of Ways and Means,

The *Chancellor of the Exchequer* rose and said: Sir, when it fell to my lot, in the course of the last Session, to make a statement of the financial condition of the country, I was listened to with great, though undeserved, kindness and attention. That indulgence I could only attribute to the consideration shown to one who, for the first time, undertakes such a task, and enters upon his duties as Minister of Finance under most arduous and peculiar circumstances. On the present occasion, I am aware that I cannot advance any claims to a similar indulgence. I know it will be justly considered that if, in the interval that has since passed, I possess and have exerted diligence to seek, and industry to arrange, the materials necessary for a financial statement, I ought now to come before the House fully prepared for the performance of this important duty. While I admit the justice of this principle as swaying the minds of those whom I address, I cannot but feel that this conviction still increases my embarrassment. I have, however, one encouragement. In the statement which I am about to make I am assured of the facts of the case; and if I should be able to lay that statement before the Committee in a simple and intelligible manner, though I cannot offer any greater claims to its attention than the patient industry with which I have collected my materials, and the clearness with which I state them, I feel confident that I shall be as able as I shall be ready to explain any points on which explanation may be required. The course which I propose to pursue on this occasion is—to state, first, the income and expenditure of the last, and the anticipated income and expenditure of the present year; and, secondly, to refer to the comparative amounts of the revenues of the Customs, Excise, Stamps, Post-office, and Taxes, in the two years; and to conclude by making such general observations —and they shall be as few as circumstances will permit—as will indicate the internal state of the country. Having given such explanations, it will become my duty to show in what manner I am prepared to deal with any surplus that may be at the disposal of the House, and what are the taxes which I propose as subjects of modification, reduction, or repeal. The difficulties with which I have to deal in this latter part of my task are demonstrated by the multitude of petitions for the repeal of taxes which have been presented to this House from all parts of the country. I dare not attempt to enumerate them, but I believe I am correct in stating that there is scarcely one existing tax for the repeal or reduction of which petitions have not been presented. I am sorry to be compelled to state that the finances of the country do not admit of a compliance with the prayer of very many of these petitions. It will be for the House to consider, in the first place, what is the amount of surplus revenue, after all the exigencies of the year have been provided for; and next, how that surplus can best be applied, and what tax it may be most expedient to repeal. It is admitted by one who is well acquainted with politics and mankind, that "to tax and to please, as to love and to be wise, is not given unto man." I must add, that the difficulty of imposing taxes is not so great as that of repealing one previous taxation. In proposing a new tax, there is generally only one class of objectors—that class whom the tax more particularly affects; but when we come to propose a repeal of a tax, then various contending classes of the community come forward, each prefers its particular claim for relief, and the conflict is fierce and formidable. We see the agriculturists arrayed in argument, though I hope not in interest, against the manufacturers; the manufacturers, in their turn, claiming relief in preference to the landholder; the inhabitants of cities and towns asserting that they bear the chief burthen of direct taxation, and are entitled to immediate attention; the trader and manufacturer soliciting the remission of those duties which repress the productive industry of the community. In a word, it is when we come to consider the repeal of a tax, that the great difficulty of finance appears. On former occasions, in financial statements it was usual—and I think it was prudent so to do—to refer to the financial transactions of past years, and to show the effects of former reductions and economical resources. I will not go over ground which I have already trod for this purpose. It is true that our duty should lead us to consider the reduction of expenditure, before we come to the reduction of taxation. Such reduction of expenditure is one of the first duties of a Government, and on it the repeal of taxation can most safely be based. I will not, I repeat, trouble the House, by referring to the reductions made by the present Government, and that of Lord Grey in former years. These I have stated on former occasions, and I presume that those statements are still in the recollection of the House. The reductions made by the Whig Ministry are, I trust, at least, in the recollection of hon. Members on this side of the House, and cannot be undervalued even by those who are opposed to us. But there has been presented to Parliament, during the present Session, one document to which I cannot avoid adverting. It is a Return that has been laid on the Table of the House, not on my motion, and, therefore, it cannot be considered as prepared for the occasion; the Return I allude to was made on the motion of the hon. and and gallant Member for the city of Lincoln. I thank him for the evidence he has supplied—for the opportunity he has afforded me of calling the attention of the House to the facts contained in that most important account. I do not advert to it as claiming, for my side of the House, the exclusive merit of the reductions there shown; for I admit that hon. Gentlemen opposite are fully entitled to their share of the public approbation. Again thanking the hon. and gallant Officer for the opportunity he has afforded me, I proceed to call the attention of the House to some important general results. It appears from the Return, which I hold in my hand, that in the year 1815, the establishment of the several public departments consisted of 27,365 persons, whose salaries amounted to 3,763,300*l.* In the year 1835, the number of persons employed in the same departments had been reduced to 23,578, and the salaries to 2,786,000*l.*; showing a reduction of 3,797 in the number of persons employed, and a reduction of salaries to the amount of 976,000*l.* Though I do not mean to enter into any minute analysis of this account, I may be allowed to point the attention of the Committee to the several departments in which the most considerable reductions have been made. In the Treasury, the annual reductions have amounted to 27,000*l.*; and by a Bill which was brought in under Earl Grey's Government, of which my right hon. Friend, the Member for Cumberland, had the charge, a further annual reduction has been made in the charge of the Exchequer, to the amount of 58,000*l.* In the War-Office the reduction has been 29,000*l.*; in the Ordnance, 122,000*l.*; in the Admiralty and Navy Offices, 30,300*l.*; in the Excise, 152,000*l.*; in the Stamps and Tax-Office, 1,031*l.*; in the Audit-Office, 54,000*l.*; in the Vice-Treasurer's Office, (Ireland,) 23,000*l.* I do not mention this with the view of showing that all has been done in the way of reduction which can be done; on the contrary, I do it for the purpose of showing to the people of this country, that much has been already effected, and to encourage the House and the Government, the one to demand and the other to carry into effect, all practicable retrenchment, seeing that what has been already done in that way, has been effected without any detriment to the public service. But I hope, however, the House will see that the more that has been done in the way of reduction, the more difficult is it to effect what yet remains to do. The Government do not mean to shrink from this difficulty; and if any further reductions in the public departments, in the collection of the revenue, or in any branch of the public service, can be carried forward, the House may depend upon it that they will be effected. I now proceed to the detail of the income and expenditure; and, in the first place, to compare the estimate I made in August last, of the income of the present year, with the actual receipts of this year, closing with the 5th of April last. I do not adopt this course from any personal motive, or to claim any credit for the accuracy of my calculations; but it is necessary that the House should know whether the statements I then made are proved to have rested upon sufficient data, and were not lightly hazarded; in order that the public may judge how far they can rely on the probable accuracy of my future calculations, and on the estimate I form of the income and expenditure of the current year. I last year estimated the amount of the Customs' revenue of this year at 20,000,000*l.* The receipt has been no less than 20,550,000*l.*; thus exceeding my estimate more than 500,000*l.* The Excise was estimated at 13,270,000*l.*; the receipts amount to 13,440,000*l.*; making an increase of 170,000*l.* in that branch. I estimated the Stamps at 6,980,000*l.*; the Exchequer payments have been 7,051,000*l.*; making an increase beyond my estimate of 71,000*l.* The Post-Office revenue I estimated at

1,500,000*l.*; but the increase exceeds that estimate by 51,000*l.* Taxes I estimated as likely to produce 3,600,000*l.*; excess beyond that sum is 20,000*l.* The Miscellaneous Estimates have fallen short by 24,000*l.* of what I had anticipated. Thus, on the whole year, the receipts have exceeded the estimate by the sum of 830,000*l.* I have made this statement to show, that if I calculate the revenue of the next year on the same data, the House may not suspect that I take an exaggerated view of our present and future resources. I hope, then, that assuming the present state of the country to continue undisturbed—and on this subject I shall make some remarks hereafter—the Committee would not be in error in giving credit to the estimate I am about to state for the next year. I shall now proceed to compare my estimate of the expenditure of the year with the actual payments. I calculated the charges on the Consolidated Fund, and the interest of the public debt, exclusive of the West-India compensation, at 30,580,000*l.*; but the actual expenditure has been 30,714,000*l.*; making an excess beyond the estimate, of 134,000*l.*; the whole of which excess is capable of explanation. The estimated expense of the army was 6,189,000*l.*; the actual expenditure was 6,481,000*l.*; being an excess, above the estimate, of 292,000*l.* This excess arose out of the fact, that the payments made within the year are not always payments for the service of the year. Sometimes there is an overlapping of last year's vote to be defrayed; and at others there is an anticipation of the expenditure of the year ensuing. Since 1831, also, there have been no votes for army extraordinaries—a change which has been of considerable public advantage, and which has brought the whole financial accounts more minutely under the consideration of the House; but in consequence of this change, it sometimes becomes necessary that advances should be made for civil purposes out of the military chest in the colonies, to be repaid out of the miscellaneous vote; and this makes the expenditure of the military department appear greater than it really is. For instance—an advance has been made out of the military chest in the last year for the maintenance of convicts in New South Wales; but this sum will hereafter be repaid out of the votes for convict purposes. But to proceed: the estimated expense of the navy last year was 4,245,000*l.*, but the actual expenditure has been within that sum by 4,099*l.* The estimate for the Ordnance was 1,296,000*l.*; the expenditure has been 1,273,000*l.*, the expenditure being less than the estimate by the sum of 23,000*l.* The estimate of the miscellaneous expenditure was 2,405,000*l.*; the actual expenditure does not exceed 2,202,000*l.* On the whole of the expenditure there has been an excess above the estimate of 80,000*l.* Such is the comparison between the estimated income and expenditure of last year, and the actual result of both in that year. I will now proceed to make a comparison of the receipts of last year, with the estimated receipt and expenditure of the present, still excluding the charges incurred by reason of the compensation to the owners of slaves. I have already shown that the receipts of last year amounted to 46,381,000*l.* I am enabled to calculate, and I hope I shall be able to justify the estimate, that the income of the present year, supposing that no alteration were made in taxation, would amount to 46,980,000*l.*, showing an excess in the income of the present, as compared with the last year, of 599,900*l.*; or, in round numbers, 600,000*l.* The charge on the Consolidated Fund, and the interest of the National Debt, amounted last year to 30,714,000*l.* I estimate the amount this year at 30,620,000*l.*, exclusive of the West-India loan in both cases. The army expenditure last year was 6,481,000*l.*; in the present year I estimate it at 6,327,000*l.* The navy last year was 4,098,000*l.*; this year, from political reasons which my noble Friend, the Secretary of State, has explained on former occasions to the House, there has been an increase in the navy to the amount of 434,000*l.*; thus raising the estimate of the year to 4,532,000*l.* The Ordnance Estimate last year was 1,273,000*l.*; in the present I estimate it at 1,263,000*l.* Last year the miscellaneous services amounted to 2,202,000*l.*; this year I estimate that branch of expenditure at 2,461,000*l.* This will show an increase of 420,000*l.*, (exclusive of the West-India loan) on the expenditure of the whole year. I shall now endeavour to combine the results of the statements I have made, so as to bring the whole into the simplest and most intelligible form. The total income estimated for 1836 and 1837, was 46,980,000*l.*; the total expenditure for debt and other charges on Consolidated Fund, exclusive of the charge for West-India Loan, 30,620,000*l.*; the supplies for 1836 and 1837, 14,585,807*l.*; total expenditure, exclusive of charge for West-India Loan, 45,205,807*l.*; exhibiting a surplus of 1,774,193*l.* Gentlemen who have listened to this statement will no doubt rejoice—no one could desire more sincerely than myself—that such a disposable surplus existed. But such is not the case. The Legislature, having performed a great act of justice in providing compensation for the owners of the emancipated slaves, it has added 20,000,000*l.* to our debt, and it cannot have provided for the interest on the sum due to the planter, and at the same time have so large a surplus of revenue applicable to relief from taxation. With respect to the West-India Loan, I have, on various occasions, stated the liabilities which it has entailed on the country; and the right hon. Gentleman, the Member for the University of Cambridge, will recollect that in the course of last year, when he asked some questions concerning it, I gave him an account not only of our full liabilities, but of the amount we might be called on to pay in the course of the year. On that occasion, I stated, that if the whole amount were to be called for within the year, so far from there being any available surplus, there would be, on the contrary a deficiency. But I also stated, on that occasion, (and the House seemed to be satisfied with the declaration,) that I should make provision only for what were likely to be the probable demands upon the public. It was after making such provision, that I struck my balance, and stated the surplus which might be brought under the consideration of the House, with a view to the repeal of taxes. I mean to pursue the same course on the present occasion. The House is aware, that provision is yet to be made for compensation to the slave-owners of the Mauritius, and of the Cape of Good Hope; and that there further remains unsatisfied the difference between the sum of 15,000,000*l.*, the nominal amount of the loan, and the actual amount received after deducting the discount. There is, also, a certain proportion of interest on claims not as yet admitted to adjudication. The *maximum* amount to be provided for, supposing the loan of the Mauritius and the Cape to be completed—supposing all demands liquidated, including the interest on claims outstanding for adjudication, as well as on those which have not, as yet, been put in—supposing, in fact, that whole interest were to be cleared up and paid off, in full, the utmost amount claimable in the year would be 1,454,604*l.* On the best consideration which I can give the subject, the actual payment which will be demanded, on the score of interest, I calculate to be 1,111,863*l.*; and I propose out of the surplus of 1,774,193*l.*, to make provision for this sum of 1,111,863*l.*, which I have every reason to believe will be the highest amount that can be demanded. I am thus bound to state, that the whole amount of surplus, over which Parliament is entitled to exercise any dominion, amounts to a sum not exceeding 662,330*l.* Gentlemen who think that we can apply a large surplus to the reduction of taxation, will do well to bear in mind this fact; they will be pleased to remember, that making a just provision for the engagements and services of the country, we cannot have a larger disposable surplus than 662,330*l.* Having said this much, I shall now call the attention of the House to the various branches of the income of the country, in order to enable the House to judge whether the calculations I have made are correct. I first examine the Customs' revenue, which I have calculated as likely to produce the same amount as the previous year. Let us consider the consumption of coffee, and the revenue produced from that article. The quantity which I last year estimated was 23,143,000 lbs.; but the actual amount of the year's consumption was 23,623,000 lbs. The consumption which I estimate for the year 1837 is 23,251,000 lbs. This I take as the average of the two years. In the article of sugar, I estimated, in 1835, the consumption for 1836 at 3,726,000 cwts.; the actual consumption has been 3,745,000 cwts. I assume the probable consumption of this year to be the same as the last. I estimated the consumption of tea at 36,000,000 lbs.; the actual consumption has been 37,099,000 lbs. The consumption of the year 1836 and 1837 I calculate at 38,000,000 lbs. This is an increase on which I trust that I am justified in reckoning; it is founded on the very considerable increase which has taken place in the consumption of that article. I am well aware, that, in discharging this branch of his duties, the Finance Minister is bound to avoid all exaggerated statements; and however great the desire on the part of that

Minister to reduce taxes—as prudence demands that he should not justify such a proceeding by an over-statement of the probable future income of the country, so he is bound neither to gratify himself nor his friends by a proposition to repeal taxes, which the result may not enable him to realize. I shall next call the attention of the Committee to a more general view of the Customs' duties, as an indication of the general state of the commerce of the country; but I must caution the Committee against allowing the present condition of that commerce to betray them into any excess of confidence. I am well aware that nothing is more dangerous to a community like our's than the speculation and rashness which arises from a misplaced confidence in the continuance of a period of almost unexampled prosperity; it therefore requires the greatest caution and prudence in touching upon this subject. In making a statement of the finances of the country, I hope I may neither depart, nor encourage others to depart, from that calm and patient anticipation of futurity, which it behoves all, and more particularly a Finance Minister, to adhere to. This caution more particularly applies to the commercial public. Whilst we look at the prosperous state of the commerce of the country, we should also observe the signs of the times: the public should not be led away by a knowledge of our present prosperity, to embark recklessly in inconsiderate schemes and wild speculations, such as we see in the present day multiplying around us, not only in the metropolis, but in every city, town—I might almost add, in every village,—of the kingdom. Having given this caution, I will now proceed to remark upon the principal points which indicate the state of the commerce of the country, and for which I think we have reason to be grateful. I hold in my hand a paper which exhibits a comparative state of the trade of the country, from the year 1828 to the year 1831, and from the commencement of 1832 to the close of 1835. I beg the attention of the Committee to this document, which shows the official value of the imports, distinguishing the produce of the United Kingdom from that of our colonies and of foreign countries. I shall afterwards have occasion to refer to the declared value of our imports and exports.

Imports and Exports in the last Eight Years, at official Rates, and at declared Value.

YEARS.	Value of Imports into the United Kingdom.	Value of Exports from the United Kingdom. Official Rates.			Value of the Produce and Manufactures of the United Kingdom, exported, according to the real or declared value.
	Official Rates.	Produce and Manufactures of the United Kingdom.	Foreign and Colonial Merchandize.	Total Exports.	
1828 ……	45,028,805	52,797,455	9,946,545	62,744,000	36,814,176
1829 ……	43,981,317	56,213,041	10,622,402	66,835,444	25,830,649
1830 ……	46,245,241	61,140,864	8,550,437	69,691,302	38,251,502
1831 ……	49,713,889	60,683,933	10,745,071	71,429,004	37,163,647
	184,969,252	230,835,293	39,864,455	270,699,750	148,059,974
Average….	46,242,313	57,708,823	9,966,113	67,674,937	37,014,993
1832 ……	44,586,741	65,026,702	11,044,869	76,071,572	36,444,524
1833 ……	45,952,551	69,989,339	9,833,753	79,823,093	39,667,347
1834 ……	49,362,811	73,831,550	11,562,036	85,393,587	41,649,191
1835 ……	48,911,542	78,376,731	12,797,724	91,174,456	47,372,270
	188,813,645	287,224,322	45,238,382	332,462,208	165,133,332
Average….	47,203,411	71,806,080	11,309,595	83,115,552	41,280,833
Increase on comparison of two averages.	961,098	14,097,257	1,343,482	15,440,615	4,265,840

On former occasions, when the Returns of official value were referred to, we frequently heard a fallacious but a popular objection raised to our statements. We were told that we only proved an increase of quantities, and that an increase of quantities might take place contemporaneously, with a fall in prices, and with a losing trade. I do not stop to expose this fallacy, but I may be permitted to observe, that the accounts before me not only exhibit a large increase in quantity, but also an increase in declared value, amounting to no less a sum than 4,265,840*l.* Hon. Gentlemen will, perhaps, think with me, that the most sanguine expectations could not have anticipated a state of commercial prosperity greater than this. I shall proceed to refer to the great branches of industry throughout the country, and I am enabled to show how this great export-trade has been distributed amongst them :—

BRITISH PRODUCE AND MANUFACTURES EXPORTED.

Declared Value.

1834..........	£.36,531,000	
1335..........	41,350,000	
	£.4,819,000	Increase 13 per cent.

LINEN MANUFACTURES.

1834..........	£.2,579,000	
1835..........	3,226,000	
	647,000	Increase 26 per cent.

COTTON.

1834..........	£.15,302,000	
1835..........	16,394,000	
	£.1,092,000	Increase 7 per cent.

HARDWARE AND CUTLERY.

1834..........	£.1,485,000	
1835..........	1,835,000	
	£.350,000	Increase 23 per cent.

SILK.

1834..........	£.637,000	
1835..........	972,000	
	£.335,000	Increase 6 per cent.

WOOLLEN.

1834..........	£.5,975,000	
1835..........	7,046,000	
	£.1,071,000	Increase 18 per cent.

Out of the seventeen articles of export, which might be enumerated, there has been an increase on fourteen. The only articles on which there has been any decrease, and that but to a trifling extent, are tin, salt, and refined sugar. But let not the state of our commerce be judged of by our exports alone; the increased demand for our produce in foreign countries must ever re-act upon the home-market, and produce there an increased consumption of articles of foreign import. Let us, therefore, examine the state of the import trade. Let us first consider the importation of cotton-wool.

COTTON WOOL FOR HOME-CONSUMPTION.

1833	293,682,000 lbs.
1834	302,935,000
1835	333,080,000

Increase in 1834 over 1833, 3.15 per cent.
1835 .. 1834, 10.36
1835 .. 1833, 13.48

AVERAGE CONSUMPTION.

Ten years from 1816 to 1825, 138,120,000 lbs.
1826 to 1835, 255,975,000
Increase 85 per cent.

The capital invested in buildings and machinery amounts to 4,000,000*l.*, calculated to give employment to 90,000 persons. The following Table gives the result of our iron trade:—

IRON AND STEEL.

Declared value exported.

1833	£.1,405,035
1834	1,406,872
1835	1,680,750

Increase 19½ per cent.

Average quantity annually exported.

Five years—	1820 to 1824	90,283 tons.
	1825 to 1829	87,237
	1830 to 1834	142,071

As an illustration of the demand for iron abroad, and the enormous power of production in this country, I may be permitted to mention that an order was received on the 6th of May last, at one manufactory, for 1,800 tons of iron railway for America. That order was executed before the month of September, without derangement to the other business of the establishment, and by that time there were manufactured and exported iron rails sufficient to lay down a railroad 57½ English miles. It is true, that in some articles of our Customs there has been a slight falling-off. I pass over this part of the subject lightly, for the falling-off may, in all cases, be easily accounted for, by any person who will take the trouble of investigating the subject. For instance, there is a falling-off in the article of foreign brandy. One cause is, undoubtedly, that the duty on foreign brandy is at present extravagantly high. That duty, if it can be defended at all, is to be justified only as a protection to the distiller of home spirits, and to the grower of barley. But this is a reason, and not a justification. But we may account for the reduced import of brandy on other grounds. While the consumption of foreign brandy has decreased, the consumption of home-made spirits has largely increased, as the following table will show:—

INCREASE OF HOME-MADE SPIRITS, ACCOUNTING FOR DECREASE OF BRANDY.

	1834	£.21,874,000
	1835	23,397,000
	1836	24,710,000
Brandy, April 5,	1834	1,634,000
	1835	1,589,000
	1836	1,487,000
	Estimate for 1837	1,537,000

It is impossible to look at these Returns without noticing the fact, that as we have advanced in sound commercial and financial policy, in the same proportion have our commercial and financial interests been marked by prosperity. In a very few words I may venture to refer to certain articles as illustrative of that commercial policy which has so often been questioned, and made a matter of grave dispute in this House, Let me take, as an example, the article of gloves. Let us see whether the adoption of a more liberal policy in the case of this article of manufacture has been attended by loss to the home manufacturer, or whether it has not had precisely a contrary effect. A few examples derived from the glove-trade and from other trades of a similar description, will show how the new "principles of free-trade," as they are called, have worked. I will call them the principles of Mr. Huskisson—for Mr. Huskisson was the Minister who advocated, with the greatest force and power, the great political truths on which true commercial policy should be founded. He was the Statesman with whom originated that commercial system, on which, for some years past, the Government and the Parliament of England have been steadily and fortunately acting. To return to the glove-trade. I beg leave to remind the House how often it was predicted that the result of a free trade in foreign gloves would be the destruction of the British manufacturer. Now, on comparing the importation of foreign gloves for each of the last two years, it appears that the number of pairs of foreign gloves imported has been reduced from 1,603,000 to 1,290,000; shewing a decrease of 313,000. Coincident, however, with this decrease, the importation of kid skins, out of which gloves are manufactured, has augmented, so as to give a great stimulus to that very trade, the ruin of which was anticipated. In 1834, there were imported 181,000 undressed, and 617,000 dressed kid-skins, making a total of 798,000 skins altogether. In 1835, the number of undressed skins was 235,000, and of dressed 791,000; making a total of 1,044,000, and showing an increase in the year, of 246,000 skins. In a word, by the system we have pursued, the importation of the manufactured article has decreased, whilst, from the ascertained fact of an increased and increasing importation of the raw material, we are able to deduce the satisfactory conclusion, that the industry of the country in this very article is greatly augmenting. The only other illustration of this principle with which I shall trouble the Committee is one derived from the silk trade—that trade which we are told was to be entirely crushed by the policy we have adopted. Now let us consider what has been the condition of the silk trade of late years; and, contrasting that condition with the state in which we now find it, let us see how the forebodings of those who are opposed to our views have been realized. Upon comparing the Returns of the importation of raw silk in the years 1834 and 1835, what do we find to be the result? In 1834, the quantity of raw silk imported was 3,346,000lbs.; of waste, 1,009,000lbs; and of thrown, 185,000lbs.; making a total of 4,540,000lbs. In 1835, the quantity of raw silk was 4,151,000lbs.; of waste, 1,382,000lbs.; and of thrown, 254,000lbs.; making a total of 5,787,000lbs. and showing, in the year, an increase of 1,267,000lbs.: and at the same time it should be observed, that there has been a decrease in the amount of the *ad valorem* duties received on the manufactured silks imported. This state of trade proves, that the alteration of the law has, instead of ending, as was anticipated, in the ruin of the English silk manufacturer, been of essential service to him. In 1834, the amount of duties on manufactured silks imported was 188,000*l*., whereas in 1835, it was only 165,000*l*. Thus we find, as the result of the altered system— of that calumniated system of less restricted intercourse—an increased importation of the raw material, which necessarily implies increased employment at home, and a diminished importation of the foreign manufactured article. I might show, by the like means, that with regard to foreign wines and other articles, the whole of the principle upon which we proceed has been borne out by the result. I observe my hon. Friend, the Member for Worcester, differs from me on this point. [Mr. *Robinson:* In the case of French wines.] I believe they constitute no exception from my statement. I have not by me, at this moment, the Return, but my impression is, that the result, as regards French wines, is precisely the same as that of the other articles I have particularised. I am prepared to show, more generally, from a review of the accounts of the last four years, that the reductions which have been made during that time in the Customs' duties have been wisely and judiciously made. I am prepared to show, that though we have lost upon those articles on which the duties have been reduced during the two first years that have followed the reduction, we have gained upon them during the two last, and have thus actually added to the receipts of the Exchequer, not by the increase, but by the reduction of duties. I cannot quit this subject without alluding to the increased amount of Customs' duties collected in Ireland, as evinced by the Returns from the most important ports in that country. We ought not to exclude the amount of Customs levied in Ireland from our consideration on the present occasion, more especially as the increase in the consumption of foreign articles marks the increased command over the luxuries of life enjoyed by the Irish people. If we can measure that increased power, we obtain some insight into the progress of comfort and civilization among the population of Ireland. The document I hold in my hand is a Return of the Customs' receipts in the principal Irish ports for the years ending 1833, 1834, 1835, and 1836. It is as follows:—

Year ending Jan. 1, 1833.		1834.	1835.	1836.
Belfast . . .	£181,000	£194,000	£253,000	£319,000
Cork . . .	149,000	161,000	166,081	186,600
Dublin . . .	576,000	546,000	661,000	816,000
Limerick . .	90,000	97,000	115,000	128,000
Derry . . .	56,000	56,000	72,000	85,000
Waterford . .	102,000	103,000	112,000	124,000

In the year ending Jan. 1835 Tea 194,000
.. .. 1836 .. 475,000

It is quite true, that in the latter year there is included a considerable importation of tea; but from this circumstance, as well as from the gratifying fact, that there has arisen now, from many of the Irish ports, a direct trade between Ireland and China—a matter which we, who took part in the discussion respecting the opening of that trade, never anticipated; from these, as well as many other circumstances, I derive the most satisfactory assurances that the condition of the Irish people is improving. I think the House will join with me in the conclusion, that upon this general statement there is great ground for gratitude and congratulation; but I cannot conclude my observations in respect to the Customs, without adverting to the reductions lately made in the expenses incurred in the collection of this branch of revenue. Upon this point I am happy in being able to say, considerable progress has been already made; and as a reduction of the expenses of the collection of the revenue is a matter which is most important to the public, I trust the Committee will excuse me if I claim their attention to the subject. It is often said, that it behoves this House to ask, on behalf of the public, for information on those branches of expenditure which are not annually voted by us. I concur entirely in the proposition, that the House has a right to demand such information; and it is with a view of giving it that I take the liberty of now stating some few details, to show the progress we have made on this head:—

EXPENSE OF COLLECTION OF CUSTOMS IN THE UNITED KINGDOM.

(Exclusive of Coast Guard, &c.)

For the year	No. of Officers.	Salaries.
1817 . .	7731 .	£819,686
1822 . .	6788 .	726,572
1827 . .	5220 .	630,801
1832 . .	4976 .	565,021
1835 . .	4809 .	558,644
Diminution in 18 years	2922 .	261,042

CHARGE OF COLLECTION.

	£.	s.	d.	
1822 . .	10	15	2	per cent.
1827 . .	7	1	10¼	
1832 . .	6	19	10	
1835 . .	5	17	3	

BRITISH NORTH AMERICA AND WEST INDIES.

1826 . .	£100,522
1836 . .	84,852
	15,670 decrease.
Future establishment	67,992
Total eventual saving . .	£32,530

I think by this statement it is abundantly proved, that we are making considerable advances towards a more economical collection of revenue; and on the part of the Government I do not hesitate in giving a promise that—where it can be done with perfect safety to the revenue, and without danger to the multifarious interests depending upon the proper performance of the duties attached to the officer of Customs, we shall continue in the course on which we have entered, and that whenever a reduction can be adequately made, then a reduction shall take place. It must, however, be clearly understood that the subject is one surrounded with much difficulty, and that in many cases, a reduction will be, for the present, wholly impracticable. It is more than probable that the considerations I have mentioned, (namely—the protection of the revenue, and a due regard to the interests involved,)—may compel us, in particular instances, to increase existing departmental establishments. I may mention, that from the important port of the Clyde we have received a most urgent remonstrance upon this subject, in which it is stated that the present Customs establishment, there, is utterly inadequate, and that, as an act of justice to the parties engaged in its commerce, as well as for the sake of the revenue, some addition should be made to the strength of the establishment. Now this application, if well founded, we must accede to, because we should not be justified for the sake of a paltry unsubstantial economy, in reducing the establishment so low as to hazard either frauds upon the revenue, or the interests of the fair and honest trader, as opposed, as they must be, to those who infringe upon the laws. I now come to the Excise branches of the revenue, and here I expect the House will call upon me to be more explicit than I have hitherto been, and to state clearly the ground upon which I venture to estimate that there will be found, for the coming year, an increase under this head. Well, Sir, the grounds upon which my supposition is based, are as follow:—Under the great heads of revenue, in my budget of last year, the Committee will recollect I stated what had been the ratio of increase which in each year had taken place during the preceding four years; and, having done so, I compared the last year with the preceding three years, with a view of showing how, in each department, the case exactly stood. I have now the result of a similar computation to lay before the Committee, and it will be perceived by my statement that we have progressed still further in our course of prosperity, and that the improvement upon which I had to congratulate the House last year, continues still to flow in a steady and gradually increasing stream. I will take each head alphabetically as it stands, commencing with that of auctions,—

	Increase per cent. year ending 5th April, 1835, as compared with average of three preceding years.	Increase per cent. year ending 5th April 1836, as compared with average of three preceding years.
Auctions .	12	1
Bricks .	11	29
Glass .	14	17
Hops .	21	45
Number of Licences	4	4
Malt .	3	14
Paper, first and second class .	7	8
Mill-board .	7	8
Stained .	17	4 decrease
Hard soap .	15	8
Soft soap .	1 decrease	12 increase
Spirits .	7	13
Vinegar .	13	7

so that under all these heads of Excise revenue,—after having had a large increase last year, I am enabled to afford the satisfactory intelligence that there is a corresponding increase in the present. Now, with respect to the duty on malt. I should observe that it is on malt I anticipate a very great portion of my increase. I will now tell the House the *data* on which this anticipation is based.

Year ending Jan. 1.	Bushels.	Bushels.
1833 the consumption was .	37,987,000	Average 39,722,600
1834 .	40,517,000	
1835 .	40,662,000	
1836 .	.	45,317,000
Being an increase of .		5,595,000

To those who doubt the policy of the course which the Members of the present Government have pursued—first, in reference to the repeal of the beer-tax; and next, in resisting a repeal of the malt-duty,—I would say, that I think the results to which I have just referred will justify them, and that Gentlemen on both sides of the House may consider that they acted wisely, both in supporting my right hon. Friend, the Member for Cambridge, in the repeal of the beer-tax, and his Majesty's Government, in resisting the reduction of the malt-tax; because it must be allowed that it is impossible this greatly-increased consumption can have taken place throughout the land without having given to the agriculturist the full measure of the benefit indicated by it. But I anticipate a still greater consumption in the next year; and my expectation of a still greater increase of revenue from the malt-duty rests upon no vague surmise or calculation of my own, but is founded upon the result of former years. By the malt-laws, as they at present exist, the amount is estimated for six months before the collection is made. I have before me an account of the amount received in the last three months, as well as of the amount receivable for the next three months; and the remaining two quarters being uncertain, I take them from the average of six months' consumption for the preceding three years. The result of these calculations is, that the

Amount of receipt to October 10, 1836, as estimated from actual charge, is . .	£4,370,000
And the amount of the Estimate from October 10, 1836, to April 5, 1837, on average receipt for three years, will be .	1,480,000
	£5,850,000
Which deducting repayments from the malt drawback .	200,000
Will show that the probable increased amount of duty next year will be . .	£5,650,000

I cannot quit this question of the Excise without adverting to an experiment which the House sanctioned me in making last year, and pointing out the beneficial results to which I was justified in hoping it would lead, because it will be material when I come to the close of my argument. I allude to the reduction of the duty on flint glass—a trade in which there was reason to expect that England would enter into competition with surrounding nations, if the duty of 6*d.* per lb. which pressed upon it could be lightened. I ventured therefore to propose a reduction of the duty from 6*d.* to 2*d.* per lb. In this I had two objects—the one the suppression of smuggling, by which I knew that the actual honest manufacturer was oppressed, and that the revenue was cheated in the article of the drawback—the other was to prevent the exertions of the industrious producer from being oppressed by the amount of the duty. I made the experiment, therefore, but it has hitherto been so short a time in operation, that I have not the means of saying that all my anticipations have been realized, but I have it in my power, however, to show the House, that from the steps which the Government are taking in the reduction of the duty, we have reason to expect that those anticipations will prove to have been well founded. With respect to flint glass, I never anticipated that the effects of the reduction would be instantaneous, because I knew that until increased competition was called into action, and additional capital employed in the production, the benefit of the remission of the duties would remain in the hands of the manufacturer, and that it was only from increased competition the public at large would derive benefit; but they are now getting that benefit, as a comparison of analogous periods in 1835 and 1836 will show:—

		lbs.
The first round, ending Feb. 20,	1835, amounted to	1,196,720
. .	1836 .	1,272,992
The increase,	1836 .	76,272
The second round,	1835 .	1,219,792
. .	1836 .	1,394,176
The increase,	1836 .	174,384
The two rounds for the Quarter ending April 5,	1835 .	2,416,512
. .	1836 .	2,667,163

Leaving a total increase in 1836 of 250,656 lbs. weight; or 10 per cent. upon flint glass.

And this is the effect which has been produced merely on the introduction of the change; indeed, to show the effect produced by the reduction, notwithstanding the rise which has taken place in red lead and American ashes. I find the statement contained in a report I have received as to the result of the alteration.

> "In the Lichfield collection two additional furnaces have been built; a manufactory re-opened; another is in course of erection; a third is contemplated. In Manchester there is an increase of fourteen per cent.; in Stourbridge of eleven, notwithstanding the increased price of the materials, the value of red lead and American ashes having considerably more than doubled in the last year. In the York

collection the manufacturer has considerably enlarged his works, but has yet more orders than he can execute during the next four months. In London the immense demand for phials, moulded bottles, and other low-priced articles, shows that the illicit manufacturer is beaten out of the market, and causes great difficulty in procuring a sufficient number of hands to perform the work. There are comparatively few arrests for illicit manufacture."

Thus the Legislature has produced increased enjoyment and comfort for the people with a diminution of litigation, and a reduction in the frequency of prosecutions, imprisonments, and penalties. This result ought surely to be an encouragement to the House and to the Government to persevere in the course they have taken. There is also another article to which it is important to refer, and which was relieved last year to a considerable extent—I allude to Irish spirits. My noble Friend who preceded me as Chancellor of the Exchequer, finding a decrease in the amount of Irish spirits annually brought to charge, although the consumption was well known to have increased, felt himself compelled to reduce the duty. The result has been as follows: the amount brought to charge for the year ending

	Gallons.
January 1, 1833 was	8,542,000
1834 .	8,382,000
1835 .	10,329,000
Average	9,084,000
The amount in 1836 was	11,634,000
Being an increase of	2,549,000 gallons.

after the diminution of the duty in or nearly one-third of the whole consumption at the time the duty was the highest. I may here be permitted to state, that a great simplification has taken place in the regulations for the collection of Excise revenue. These changes are still in progress. Already the dealers in tea, wine, and sugar have been much relieved: 187 offices, held at salaries amounting to 11,827*l.*, have been abolished—in consequence of which change, upwards of 150,000 traders are relieved from the turmoil and inconvenience of an Excise survey, and are left to the free exercise of their trade. I may pass over lightly the smaller branches of the revenue, with which it is scarcely necessary to occupy the time of the House at any length. The amount of the Excise revenue for the next year is calculated at 14,170,000*l.* That estimate has been communicated to me by the practical officers of the department—the same who framed the estimate of last year, which has been fully verified by the results. The present estimate is founded upon the same *data*, and the House may, therefore, rely upon its accuracy. In discussing this part of the question, it is not my intention to allude to the alterations I mean to propose, because I feel that in doing so, I should only embarrass my argument. In almost all the heads of revenue included in the Stamp Acts, with the exception of probates and letters of administration, an increase has taken place last year. I do not anticipate any loss of revenue from the intended Stamp Act now, with the exception of the proposed reduction of the stamps on newspapers. I believe the immediate loss will be compensated by the prospective gain. With respect to newspapers, without anticipating here what I mean to propose, I may observe that I do not believe the reduction will cause any eventual reduction of the revenue—the estimate of the stamp revenue is pretty much the same as were the receipts of last year—it may be taken at 7,000,000*l.* The relief given by taxes repealed exceeded, last year, the estimate made by Lord Spencer, and occasioned a loss of 42,000*l.* to the revenue. The taxes upon servants, carriages, horses, and other duties, which may be considered as voluntarily paid by the rich, have produced an excess of 64,000*l.*, which more than counterbalanced that loss. I now come to the Post Office department; in dealing with which I regret that I have not as yet laid on the Table a Convention which has been concluded by his Majesty with the King of the French. That treaty will produce some loss of revenue; but when we consider the relief which will be given by it to the mercantile community, I believe no real loss will ultimately ensue; but that, on the contrary, a larger amount of revenue will hereafter be received. A Bill was passed last Session upon which that convention is founded. The Act authorized his Majesty to allow the free transportation of foreign newspapers from any country which received our newspapers on the same terms. It also allowed a reduction of postage to be made on certain conditions. The Government has acted in the spirit of that Act, and a Convention has been concluded with France, which will require the sanction of Parliament. Free transmission of newspapers to foreign countries will be secured. The reduction of postage would be from 2*s.* 5*d.* from London to Paris, and from 2*s.* 1*d.* from Paris to London, to 1*s.* 8*d.* It will no longer be necessary, when these reductions are made, that the postage should be paid before the despatch of the letters; and were the high postage continued, the number of instances in which the letters might be refused, would be so great as to occasion the probable loss of a considerable portion of the revenue. I need only state further on this point, that the Post-Office has already been enabled to effect considerable savings, founded upon the recommendation of the Commissioners of Inquiry. In the mail-coach contracts a saving of 12,000*l.* a year has been already made. There are other recommendations given in the Report, which must be carefully considered by the Government; and they shall be carried into effect, if it be practicable to do so with safety. I estimate the Post-Office revenue at 1,543,000*l.*, independent of the reduction of foreign postage, which will bring the amount somewhat below that sum. Having now gone through the various heads of the public revenue, I shall shortly advert to some circumstances which indicate the improved state of the country, and which appear to me to deserve the consideration of the House. I need say nothing with respect to the existing prosperity of the manufacturing districts, because that is a matter which may be taken as admitted. The great activity in the manufacturing districts, and the demand for labour, for machinery, for new works, and increased hands, even in those places where distress has recently been represented to be most prevalent, are all notorious and undeniable. The increased employment even for the hand-loom weavers in various parts of the country, are well known to the public and to the House, and it would, therefore, be unpardonable in me to dilate upon them more particularly. But I may still venture to refer to a few facts which bear materially upon the subject. No facts can be a fairer indication of the state of the country, and of the commercial classes, than the increased or decreased numbers of persons discharged under the Insolvent Debtors' Court. I adverted to this circumstance last year, and had the satisfaction of then stating, that a great reduction had taken place in the number discharged, but the reduction which I have to announce this year is still greater, as in 1832, the number discharged was 4648; in 1833, 4583; in 1834, 4275; and in 1835, the number was 3890, being a diminution of 658; and I learn from the Report of one of the Judges of the Insolvent Court, dated April 4, 1836:—

> "In the clothing districts of Gloucester and Somerset there was a very great improvement; there was no one case of the insolvency of a master or weaver on his own account, where three years ago there had been several. Such a general prosperity was observable in the manufacturing parts of northern and midland counties, that the Judge had frequently expressed in Court his congratulations to the country. This was more especially noticeable at Nottingham and Leicester, where, on former occasions, the numbers of failures had been considerable, and the characters of some of them fraudulent."

The Returns from Ireland presented the same results; but one of the most material and important facts for the House and the country to consider, is the improvement which has taken place in the agricultural parts of the country by the alteration of the poor-laws. I could scarcely have believed it possible that any legislative measure, however sound its principles, could come into such immediate and beneficial action. I admit that it has been aided by adventitious circumstances, by the general demand for labour, and by the low price of food during a great part of the time. I state these circumstances the more freely, because I know that my case is strong enough, after making all allowances. I do not attribute the favourable result of the altered law to those adventitious circumstances, because I might show that, at other periods neither a low price of provisions, nor an increased demand for labour, has produced the same reductions. I am therefore justified in attributing the results, not to two causes, which were common to both periods, but to one cause —the reform of the poor-laws, the effect of which is confined to the present time. This will be clearly demonstrated by the facts to which I am now about to refer.

OPERATION OF NEW POOR-LAWS.

December Quarter.—Number of unions formed 311, including 6676 parishes. Amount of rates brought under guardians 3,368,879*l.* The greater part of fifteen counties.

In 122 unions, rates on average of three years amounting to 1,258,867*l.*

Expenditure of quarter ending December 30, under old system	£311,717
Expenditure under new system	154,888
Expenditure of year—old system	1,258,867
Estimated expenditure—new system	619,553

Reduction of 49 per cent.

To give more particular instances. I may be allowed to state that the reduction in Uckfield, Battle, and Midhurst Unions, have been more than two-thirds. In the Uckfield Union, containing a population of 16,000 persons, a few days back no more than four able-bodied labourers were out of work in the worst district. The execution of railroads does not effect so much in creating a demand for labour as might be anticipated. The London and Birmingham Company employ but 9,000 men. Value of the labour increased, under the new system, *5s.* per week.

March Quarter.—Former statement and results confirmed The reduction in the worst districts fifty-nine per cent., in the best twenty per cent.

	Cookburn.	Welwyn.	Stoke Pogis.	Hitchin.
1833—4	852	—	—	—
1834—5	700	763	853	1716
1835—6	580	498	490	1361

In these Returns is to be found the best practical evidence, that the condition of the agricultural classes is not depressed; they afford proofs, on the contrary, that the demand for agricultural labour is augmented—that the system of working by piece-work is more general—and the reward for the industrious labourer increased—and that the falling-off must have arisen from the misapplication of labour, and the misdirection of funds for the relief of the poor to the encouragement of vagrancy, idleness, and imposture. Another indication of prosperity to which I adverted on a former occasion, and to which I beg again to call the attention of the House, is the amount of deposits in the savings' banks. It is sufficient for me now to say, that great as the increase was on the former occasion, the increase exhibited by the present Returns is still greater. The increase of depositors since 1834 has been 35,528, and of deposits 990,791*l.* And those deposits are now confined to a certain and limited amount; for an Act, wisely introduced by a right hon. Gentleman opposite, restricted all sums deposited to a *maximum* of 200*l.* One reference more illustrative of the present state of the country—and I close this branch of the subject. The fact to which I allude is one which affords me, and will afford the country, the greatest satisfaction. There is, before me, a Return from the Home Office, of the state of crime;—comparing the results of periods of four years, and ascertaining the number of executions which have taken place in England and Wales from 1820 to 1835. In the first four years the number was 362; in the second, 229; in the third, 230; and in the last four years, only 155; being a reduction of more than one-half. In London and Middlesex, in the years 1827, 1828, and 1829, there were sixty-three persons executed; in 1830, 1831, and 1832, there were sixteen; in 1833 there were but two; in 1834 not one; and in 1835 not one. Certain hon. and sceptical Gentlemen, may, however, exclaim, "All this may be true, but has it not a tendency to increase crime? Look at your commitments!—judge not by the number of executions; your Judges may have been over-lenient. The Crown may have pardoned incautiously—Juries may have been indisposed to convict." No such thing, the Return of commitments proves the very reverse:—in 1834 the total number of persons charged with offences was 22,445; in the present year it was 20,731. In the first of those years, taking into account the increase of population, the proportion was one in 647; in the second, it was one in 710, being a decrease of nine per cent., in the state of crime, comparing those two years. In proportion as capital punishment has diminished, crimes connected with violence have diminished; and in the same proportion as crimes connected with violence have diminished; in the same proportion has crime, generally, diminished also. These results are most assuredly calculated to encourage the House in well doing, and are sufficient to encourage them in persevering in the milder system of legislation they have of late years adopted. Before I recall the attention of the House to the question of the surplus revenue, and the best mode in which it may be dealt with, let me be allowed to mention two facts which are not wholly unimportant. Looking at the burthens of the country, I have a right to consider that many of the burthens which press the most heavily upon the community, cannot be justly considered as permanent, though they are the penalties of the war, and the results of the great military and naval establishments consequent upon it. Amongst these are the half-pay allowances and pensions, and these are now more or less in course of reduction, though they have been among the heaviest of our burthens;—the National Debt itself—by the large conversions which of late have been made of one part of it, as hon. Members well know, into life annuities, and of another part into annuities terminable after a certain specified number of years—the debt itself has been materially lightened. Now the House may be interested to know the reduction of dead-weight in regard to half-pay, Chelsea and Greenwich Hospitals, the army, navy, ordnance, and civil pensions, and superannuation allowances; and with this view I have caused a Return to be drawn up, which I shall take the liberty of reading to the House. It is as follows:—

REDUCTION OF DEAD WEIGHT.

Half-pay, Chelsea, Greenwich, Army, Navy, Ordnance, and Civil Pensions, and Superannuation Allowances.

			Diminution.
Chelsea.—Maximum of numbers	1828	£96,844	
Number, 31st March	1836	84,960	
			£11,884
Grants	1828	£1,568,852	
Ditto	1835-6	1,387,169	
			£181,683
Greenwich Out-pensions.—Maximum	1817	£32,278	
Number, 1st January	1836	19,489	
			£12,789
Amount of Pensions	1817	£354,648	
	1835	252,563	
			£102,085
Army Pay-Office Allowances.—Maximum.	1827	£19,543	
	1835	16,288	
			£3,255
Army, Navy, and Ordnance Half-pay, and Pensions.—Maximum	1827	£3,394,896	
	1835	2,913.763	
			£481,133
Naval Half-pay and Pensions.—Maximum	1823	£1,675,358	
	1835	1,557,976	
			£117,382
Half-pay, Pensions, and Allowances, Naval, Army, and Civil.—Maximum	1827	£5,455,991	
	1835	4,976,729	
			£479,262

I have stated that but for the debt which the House had, as a matter of justice, and a matter of policy, too, contracted with the West-India planters, I should at present be enabled to deal with a surplus, not of 622,000*l.*, but of 2,000,000*l.* and upwards. Limited, as I am, to the smaller sum, I shall now proceed to state how I propose to deal with this available surplus. I cannot repeal all that is asked—I can neither repeal 6,000,000*l.* nor 3,000,000*l.* of taxes, out of a sum of 600,000*l.*; but I shall endeavour to propose such measures of reduction as may with justice be made, and those reductions shall be made on principles of commercial policy which may enable the House hereafter to go further. If I can at once grant relief, and produce an equal revenue in future years, such an operation will afford the means of following up the principle further, and will allow us, very possibly, to give additional relief in following years. It amounts, in fact, to a pledge that a Parliament which acted successfully upon such a principle, was disposed to afford every practicable relief to the suffering interests of the country. I have endeavoured to make a selection upon this principle, and I believe I have made such a selection as, although it may impose upon the public some loss of revenue for the present year, will lead to an increase of our resources at a future time. Upon what principle ought the House to proceed in the remission of taxes? I am bound to look to such descriptions of taxes as have been most raised as war taxes, and which press most severely upon the country in time of peace. If I find two branches of industry, one of which has already obtained relief, while the other is still labouring under a high rate of taxation, I am bound to prefer the removal or reduction of that tax which presses with the greatest weight. If I find a tax which is exposed to evasion and to fraud, and gives rise to smuggling and enables the smuggler to defeat the fair dealer, I am bound to conclude that such a tax is one with which the House ought to deal. If, again, I find a tax so uncertain in its administration, that it leaves the manufacturer doubtful what he ought to pay, and the officer what he ought to exact;—again, I say, that that incident is evidence that the tax is one in which an alteration of system is necessary. Applying these principles, I call the attention of the Committee to a tax which, from the best consideration I can give to the subject, and the best information I have been able to procure in reference to it, unites all these conditions, and is less liable to all these objections. It is to a tax, therefore, of this description that I shall first apply myself. The Committee is aware of the recommendation of the Commissioners of Excise Inquiry for a consolidation of the laws, and a reduction of the Paper Duties. I propose, agreeably to their recommendation, that the duty on paper of the first class should be reduced to one-half its present amount. My noble Friend, the Member for South Lancashire, who presented a petition on this subject, some time since, would, I am sure, if he were present, agree with me in declaring, that there is no other branch of industry, particularly in that part of the country with which he is connected, that has suffered more deeply from the present amount of taxation, and that there is none that will rise with more elasticity, if adequate relief be given. The tax is now levied in a manner at once uncertain and unequal. The classification which now exists cannot be justified under existing circumstances. It has, in some cases, the effect of fixing a high rate of duty on inferior, and a low rate of duty on superior paper; founded on former times on the relative cost of the materials of each at the time the classification was first established, but this relative price of materials has since become totally reversed, and the law is rendered so uncertain as well as absurd, that no two excisemen can administer it upon the same principles. One manufacturer may find himself obliged to pay 3*d*. a-pound for paper of the same quality for which his neighbour and competitor at another mill has paid only 1½*d*. An alteration of this law is essential, not only to the interests of a great and improving branch of the manufactures, but it is also important incidentally to the general interests of literature, upon which the tax presses most severely. The duty forms no inconsiderable part of the price even of a single octavo volume; and this is augmented, because, as the publisher of a book obtains no drawback for unsold copies, the copies which are sold must defray the amount charged on the whole impression. The Committee will, therefore, see that this must be felt as a practical discouragement to the diffusion of knowledge—that the tax is most unjust and unequal is also proved by the fact, that on printing paper the duty is but from fifty to sixty per cent, while on coarser paper it varies from seventy to 200 per cent—that upon the finest writing paper it is twenty-five per cent, and upon the coarsest paper, as I said, it rises to 200 per cent. But it may be said, will not this be the case after the alteration? True; but we have to choose between two evils—a fixed, which must be obviously an unequal duty, and an attempt at a new discriminating duty, subject, as it would be, to all the inconvenience, fraud, and irregularity of the present system. I shall, therefore, adhere to my proposition, of reducing half the present duties. Various persons examined before the Excise Commissioners have calculated the amount of loss the revenue will sustain by the reduction. The income arising from first class paper is 617,000*l*. Mr. Gausson estimated the probable loss of revenue at 150,000*l*., and another estimate was 62,000*l*. I do not take either; I think they are both below the mark. I estimate the loss considerably higher; and, coupling the removal of half the duty on paper with the repeal of the whole duty on stained paper, I estimate it at 250,000*l*.; but for the present year it will not exceed 125,000*l*., because I do not propose that it should come into operation till October. The Excise Report shows the injustice of a double tax upon the article of stained paper, imposed first upon its original manufacture as paper, and afterwards in its subsequent stage when stained. This I propose to repeal. I believe not only a home consumption, but a very considerable export trade will be the result. I propose that this reduction should begin from October, 1836, in order to give time for the previous consumption of the stock on hand. There will be no suspension of the manufacture in the interval, because the law relating to paper acts upon the bonding system—charging the duty only on the goods which are brought to market, not upon those in the manufactory. I have stated that there will be a loss arising from the treaty of the Post Office with France, by the reduction of postage on letters; this will, altogether, amount to about 20,000*l.*, of which the commercial correspondence of this country will get the full benefit. If we had not made this concession, France would have had a right to revert to her transit duties, as she paid a greater amount of transit duties than she received from us; but I think it will turn out that we shall sustain no loss of revenue, because we have now steam-boats on the coast, and other unauthorised conveyances carrying on a smuggling traffic, which will be terminated by the Convention. By the Stamp Bill, which is on the Table of the House, an alteration is made in an article of great importance—namely, the probate duty. That alteration enables a party to pay the probate duty, not upon the gross amount of the property of the deceased, which frequently calls upon individuals to make advances upon insolvent estates, and leaves them afterwards to the expense of litigation to recover their advances, but on the net amount, clear of all claim against the property. It is an alteration which will have the effect of withdrawing from the Exchequer a credit to the amount of 100,000*l.* which it has at present, of which, within the present year, it would lose about 20,000*l.* But it is an amount we ought never to have gained. We were not entitled to possess this money; it belonged properly to the executors. A small reduction will be proposed in the South Sea duties of great importance to the merchants engaged in the trade, which I will take at 10,000*l.* a-year, although it will probably fall short of that amount. I now come to another branch of the revenue in which I propose a reduction, and I fear that the moment I mention it I shall be met with a double fire—one from my hon. Friends behind me, and the other from the hon. Gentlemen opposite—I allude to the subject of newspaper stamps. I ask Gentlemen to do me the honour of hearing me for a short time while I explain the alterations which it is my intention to propose. I have neither the right nor the presumption to think that I can offer myself as an arbiter between those Gentlemen to reconcile their different sentiments, but I will take the liberty of representing to both of them the position in which the question stands at the present moment. I say to those who ask for the total repeal of that duty, "Do you think that any Minister could come down to this House, on such a financial statement as I have just made, and propose that 400,000*l.*, out of the surplus of 662,000*l.*, should be devoted absolutely to the repeal of the stamp-duties on newspapers? Do you think that even if a Minister were so disposed, he could induce the House to accompany him in such a scheme?" I know full well that the House would not accompany me; and even if the House were disposed to do so, I am not disposed to make the proposition, because I have always considered this a fit subject for taxation; and so long as the newspaper proprietors ask the Government to transmit their papers free of postage through the land, it is just, and legitimate, and right, that they should be made a subject of taxation. I am, therefore, not disposed to make a proposal for their total repeal; but I will go further, and say, that in the present state of public opinion, if I were to make such a proposition it would be rejected. Does any hon. Gentleman doubt it? If so let him bring forward his motion, and put it to the vote. Let the House see who those are, who, in the present state of the finances of the country, wish to apply 400,000*l.* out of 600,000*l.* to the repeal of stamps on newspapers. But I say, that it is material to deal with this branch of the subject, and that I adhere to the opinions which I expressed last year, on the motion of the hon. Member for Lincoln, that the present stamp-duty on newspapers is one which can neither be continued or defended. The proposition then made—the principle of which I acquiesced in, and promised should be carried into effect on a fitting occasion—gives me a right to ask of the House, if not to support, at least to consider, my proposition. Are hon. Members, who object to the reduction of the duty to one penny, aware of the state of things going on in society? Do they know the position in which the present rate of duty places those who would maintain the administration of the law, and the security of property? Have they considered the manner in which it affects not the Government, but the just estimation in which the Magistrates ought to be held, and the safety of the revenue itself? Upon these grounds, and for the sake of the good order of society, I call upon the House to repeal a portion of the duty on newspapers;—the repeal, not for the abandonment, but for the preservation, of the revenue. The illicit trade in unstamped papers has been going on for a considerable time. It began in London, where they were circulated in open defiance of the law, and rapidly extended itself through the country. Under these circumstances active measures were resorted to in order to check it. Persons have been prosecuted, convicted, fined, and imprisoned; Exchequer suits have been instituted; indeed the whole powers of the law have been exhausted, but the sale still continues. Gentlemen will do me the favour of believing that this enforcement of the law has been one of the most painful parts of my duty—it is one which has exposed me to abundance of obloquy and reproach both in and out of this House, but more particularly out-of-doors. I have been in communication with the parties interested in the reduction of the stamp-duties—I have seen the newspaper proprietors; and they admit that it is impossible to meet the case as it now stands. And why? The reason is obvious—the temptation to violate the law is too great to be resisted. It has been tried in other duties. In Ireland, in order to put an end to illicit distillation, laws have been enacted which it has been justly remarked are more fit for the meridian of Turkey than that of Great Britain—they even punish the innocent for the guilty, and resort to almost every kind of violence, yet without effect; for it is always impossible, by any legal enactment, to maintain an unreasonably high rate of duty on any article. The only plan is, to fix the duty below the insurance on smuggling—and this is what I propose to do, and what I trust the House will go along with me in doing. What do hon. Gentlemen apprehend from the repeal? Is it loss of revenue? I tell them that it is going, and that it will go, if we do not adopt the principle of reduction. This is proved by the returns now before me of the duty on newspapers. In 1831 the gross revenue was 586,000*l.*; the net revenue, 483,000*l.*: in 1832, 574,000*l.*; net, 473,000*l.*: in 1833, 541,000*l.*; net, 446,000*l.*: in 1834 the gross revenue was 537,000*l*,;—a continued diminution during the four years. The real question is, will hon. Members countenance a system of violation of the law, which, however bad in itself, is still more mischievous in the way of example. In Ireland, already, agencies have been established for the sale of the unstamped publications; and our experience in England has taught us, that to stop them without reducing the duty is impossible. I believe that some hon. Members in this House are such advocates for the total repeal of these duties, that they would rather I should leave the matter as it now stands than effect a reduction to one penny. They see that it would put an an end to the illicit trade, and that they would lose all chance of a repeal. If hon. Members support me in the reduction I contemplate, in three years I have no doubt the result will be, that we shall have a larger revenue arising from this source than we have now. I do not wish to advert to matters personal to myself, for I am resolved to abide the hazard of what I have proposed, though it produce discontent on this side of the House and resistance on the other, because I believe it to be just and reasonable, and the House will deal with it as it pleases. I shall persevere in it, in order to save the revenue—to defeat the existing combination against the law—to put an end to vexatious prosecutions against the public—to shelter the law and the Government from odium and contempt—and to defend the fair trader from the encroachments of the smuggler. If these are not grounds for repealing a tax, I know not what grounds can be considered sufficient; and, therefore, I propose that the duty on newspapers be reduced from 4*d.* (*minus* the discount) to 1*d.* I have consulted the parties whose property is invested in the trade, and it being their opinion that the reduction should take place as speedily as possible, the time fixed upon is the 5th of July. I calculate, therefore, for the loss of revenue for three-quarters of a year; and as I estimate the loss for a whole year at 200,000*l.*, the loss for this year will be only 150,000*l.* I have no doubt whatever that there will be an enormous increase in the revenue upon the paper duty as well as by the advertisement duty—by the increased number of newspapers, as well as from the increased advertisements, and that increase, as in other cases, will become the foundation of future reduction. I think it right to add, that I am afraid I must resist the applications which have been made for a reduction of the duty on Irish newspapers to one halfpenny. They now paid 2*d.* (*minus* the discount), and are transmitted free of cost through all the post-offices in the empire; and having the same privileges as the English newspaper they are entitled only to the same relief. I do, however, contemplate a small relief to them, and as I should be sorry to be mistaken on this point, I beg to state to the House my grounds for so doing. If they paid 2*d.* duty it might be reduced to 1*d.* at once, to put them on the same footing as the English papers, and they might reduce the price of their paper 1*d.* to the purchasers; but the fact is, that owing to the discount allowed to them they pay less than 2*d.*, and if they reduce the price of the paper, the 1*d.* which is nominally, but not really taken off, they would give the public more than they gain. Besides this, they are threatened with British competition, which to a certain extent may injure them. To counterbalance this, I propose to afford them a small reduction in the duty on advertisements; in doing which I have also another object. I try it partly as an experiment, which, if it answer my expectations, I may hereafter reduce to practice in England also, but I cannot venture to try it upon a larger scale at once. On a former occasion I proposed the reduction of duty on insurances on farming buildings; Lord Spencer's repeal applied to insurances on farming stock only, but I now propose to extend it to farming buildings. The relief on farming stock amounted to about 30,000*l.* a year; on the buildings it will amount to about 8,000*l.*; in the present year the amount of both will be about 15,000*l.* There are certain other small taxes, by the repeal of which relief to the extent of about 5,000*l.* will be given, making a total repeal of about 351,000*l.* in this year, or 563,000*l.* when they come into operation. I hope that, in proportion as those reductions come into operation, the increased consumption will greatly redeem them in the additional amount of duty. I have been in hopes of being able to make some reduction on the duty on maritime insurances, and I still believe that some alteration may be made without any considerable loss to the revenue. The hon. Member for Worcester, of course, is at liberty, in the mean time, to bring his own substantive case on the subject before the House; but I would remind the House, that the whole surplus is only 662,000*l.*, and that, after the reductions I propose, will leave a surplus of 300,000*l.*; and therefore I do not feel that I am justified in making a proposition for any greater reduction. These are the grounds on which I ask the House to receive this statement—I do not say to assent to it—they are not called upon to give any absolute vote to-night. All I ask with respect to newspaper stamps is, that hon. Gentlemen opposite who are opposed to the reduction, will consider calmly and attentively, what is the effect of the law in its present state; and I ask hon. Gentlemen on this side, who would wish to go further, whether it is practicable to do so? I think, if they reflect on the subject, and unite in supporting my proposition, it will be the means of effecting great good for the country. I regret the extraordinary length of time I have occupied in making my statement, and the necessary dullness of the relation. I am aware that I have referred to points on which I have touched on a former occasion, but I prefer enabling the House strictly and accurately to compare the income and expenditure of the present with those of preceding years, to seeking novelty or excitement. I cannot sit down without again stating, that, whilst we have the greatest reason to be grateful for our present state of prosperity, at the same time there are indications at the present moment which call for every hon. Gentleman's close inspection. The House must see, in the great extent of speculation which prevails,—in the number of banks which are rising up in all directions,—grounds for the exercise of vigilance, caution, and prudence. I apprehend that there is nothing in these circumstances calculated to give rise to apprehension. But though there is nothing to excite alarm, there is enough to call for and justify prudence and vigilance. An hon. Friend near me reminds me that the hon. Member for Exeter would never have forgiven me if I had forgotten to state that I am prepared to repeal entirely the additional fifty per cent. on spirit licences. I, however, look for an equivalent to the loss of revenue thus sustained from the operation of a plan, the details of which are not yet quite matured, and which, consequently, I am not now prepared to state to the House. I can, however, inform my hon. Friend and the other hon. Members who are interrested on behalf of their constituents in the question, that the main principle will be, to make the additional duty proportional to the quantity of spirits consumed. I am convinced by the arguments which were used on a former occasion, that the duty in question presses unjustly and unequally on particular parties. I trust that those hon. Gentlemen who have been loudest in their advocacy in the repeal of the additional duty on spirit licences, will feel bound in good faith, if they consider my scheme for making the amount of duty proportional to the consumption a good one, to give their best help to carry it into effect. I cannot sit down without thanking the Committee for the indulgence which they have extended to me, for I am aware that I have trespassed largely upon their patience. As a matter of form, I will conclude by proposing a vote for a certain sum. Estimates to the amount of 11,811,000*l.* have been voted, and I will now propose a vote of 8,000,000*l.*, which, of course, will not cover the amount of supply granted; if, however, any hon. Member object to the vote being taken, on the ground that no notice has been given, I will postpone it, and content myself with moving, that the Chairman do now report progress. However, I suppose no objection will be made to the course I propose to pursue, and therefore I conclude by moving, that a sum of 8,000,000*l.* be granted for the service of his Majesty.

Mr. *Hume* thought, that the details into which the right hon. Gentleman had entered must be most gratifying to the House. No part of the statement had been more satisfactory to him (Mr. Hume) than that in which the right hon. Gentleman had pointed out the advantages which had arisen in consequence of the repeal of the duty upon beer. The right hon. Gentleman had stated, that the surplus revenue for the present year would amount to something more than 600,000*l.* But if there had not been what he (Mr. Hume) must still call a very unnecessary increase in the naval force of 5,000 seamen, there would have been a surplus of at least 1,000,000*l.*, of which 400,000*l.* might have been applied to the general reduction of taxation. No reason whatever had yet been assigned for the increase of the naval force; and no one, he apprehended, would contend that a reduction of 400,000*l.* in the amount of taxation would not be hailed by the country as a great boon. It was not his intention at that moment to enter into the question of the tax upon newspapers, seeing that a much better opportunity would be afforded hereafter; but he could not abstain from stating, that he thought there were few other taxes which could be repealed with such great advantage. The right hon. Gentleman had stated many reasons in favour of that subject, but there were several other strong reasons which the right hon. Gentleman had not noticed. The right hon. Gentleman had alluded very properly to the unpopularity and difficulty which his predecessor, Lord Spencer, had to encounter in carrying the law into effect with respect to stamped publications, and it was also true that the steps taken to enforce the law had not been effectual. For two or three years past the prisons had been filled with victims to the tax upon newspapers. Upwards of 150 individuals had been imprisoned for selling unstamped papers; yet, notwithstanding the severity of the law, it was found that the sale of unstamped papers, instead of being diminished, was every day increasing. It was highly necessary, therefore, that a change should be made in the law upon this subject, with as little delay as possible. He must say, however, that he thought the right hon. Gentleman, the Chancellor of the Exchequer had not made a very fair statement as to the result which would follow the repeal of the duty on newspapers. Would the House, asked the right hon. Gentleman, submit to the reduction of 400,000*l* on newspapers only, out of a surplus of revenue amounting to only 600,000*l.* That was not a fair statement, because the reduction of the duty would not, in fact, be 400,000*l.* The increase in the sale of newspapers arising from the repeal of the tax, would lead to a corresponding increase in the productiveness of the duty upon paper, and this, added to the optional penny-post tax which it was proposed to continue upon newspapers transmitted through the post-office, would, in his opinion, be nearly sufficient to supply the deficiency occasioned by the repeal of the stamp duty. But he would leave the further discussion of this topic until the proposition was brought forward (which it most assuredly would be) for the total repeal of the stamp-duty on newspapers. Quitting that subject, then, he wished to ask the right hon. Gentleman whether he did not think that the whole of the duty upon glass ought to be repealed? He wished the right hon. Gentleman to be honest upon that point. He wished the right hon. Gentleman would state what was the cost of collecting the small amount of duty on that article which was still continued. He wished the right hon. Gentleman would state whether the whole amount of the revenue derived from that particular source much exceeded the cost of collecting it. If it did exceed the cost of collection at all, he was quite satisfied that the excess was not so great as to warrant a continuation of the tax. With regard to the stamp duties generally, he hoped, when the proper time came, the right hon. Gentleman would be prepared to state that he contemplated a material reduction ; because, as he (Mr. Hume) had been informed, a considerable amount would be gained to the revenue by a reduction. If there were a stamp duty that required reduction more than any other, it was undoubtedly the stamp on marine insurances. That tax was not only bad in itself, but it was the cause of driving the profit and advantage of marine insurance from the shores of England, and of transferring it to the maritime countries of the Continent. It had besides an injurious effect upon the general commerce of the country. The impolicy and injustice of this tax had, however, been so well pointed out by the hon. Member for Worcester, that he (Mr. Hume) should not think it necessary to say more upon the subject on that occasion. The right hon. Gentleman, the Chancellor of the Exchequer, seemed to look with dreadful apprehension at the spirit of speculation which now pervaded the country. He (Mr. Hume) confessed that he had no fears upon that score. As long as the Bank of England continued to be conducted on the principles upon which it was now governed there need be no apprehension of a crisis or of a panic. Had that establishment been conducted on the same principle in 1825, there would have been no crisis, perhaps no panic, at that time. He was quite satisfied that the banking system throughout the country was in a sound and healthy state, and as long as banks were compelled to pay their notes in gold, on demand, there could be no just ground for apprehension or alarm. At the same time, he should be sorry to see the people, generally running into such wild schemes, as, unfortunately, there were sometimes instances of. If, at the present moment, any such schemes existed, he believed that in the course of a very few months there would be an end to them. He wished that the right hon. Gentleman had taken the trouble to bring before the House the great increase which had taken place in the import of almost every article on which there had been a decrease of duty. The increase on some of these articles was perfectly enormous. This he thought should hold out an encouragement to the House to reduce all those taxes which had been imposed during the war, and the continuance of which operated in a direct and powerful manner to check and impede the commerce and manufactures of the country.

The *Chancellor of the Exchequer* begged to say one or two words in reply to some of the observations which had fallen from the hon. Member for Middlesex. That hon. Gentleman had asked why he (the Chancellor of the Exchequer) did not repeal the whole of the duty on glass? In reply to that question he could only state, that the general principle upon which he had acted was to reduce the duty to such a rate as not injuriously to press upon any particular manufacture, but at the same time to continue so much of it as, by an increased consumption of the article manufactured, should make up for the deficiency which would otherwise be occasioned in the revenue. There was one other topic to which he wished to refer. The hon. Gentleman seemed to think that the observations which he (the Chancellor of the Exchequer) had made with respect to the spirit of speculation which at present existed, implied an apprehension on his part of some impending calamity. That was not the case. But if in referring to the general prosperity which now seemed to pervade the country, he had not at the same time stated that which he believed to be true, that there were circumstances connected with the spirit of speculation now generally abroad which ought not to create apprehension or alarm, but to excite the attention and vigilance of Parliament—if he had not done this, he thought he might very fairly be accused of having neglected an important part of the duty which attached to one filling his important and responsible situation.

Mr. *Goulburn* intended to conform to what appeared to be the general feeling of the House, and to what he considered the best practical mode of dealing with the subject before them, and to abstain from entering into any detail on the various points which the right hon. Gentleman had suggested with respect to the repeal of duties, until each individual subject was brought in a proper shape before them. He knew from experience, that the attention of that House would never be given to any question which was not brought before it in a palpable and tangible shape; and, therefore, if upon that ground alone, he should forbear from entering into the various questions to which the right hon. Gentleman had referred. There was, however, one part of the right hon. Gentleman's speech upon which he thought he might be excused for making one or two observations, because a subsequent opportunity of doing so would not be afforded him. With the views which he entertained upon the Report, he thought it particularly desirable that whenever they had before them the financial statement of the Chancellor of the Exchequer, and when they were called upon to consider how they should deal with the surplus, and what amount of surplus should be allowed to remain—when these matters were brought under their consideration, he always thought it advisable to remind the House, that in addition to the duty which was imposed upon them of giving the utmost relief in their power to the suffering of any particular class, or to the pressure upon any particular class arising from taxation, they had yet a duty more urgent, in his view, and one from which they ought never for a moment to shrink—that of considering the necessity of providing, not only for present means and present convenience, but of regarding what was the state of that great debt which pressed upon the country, lightly now, perhaps, in moments of ease and comparative prosperity, but which, in more difficult and tempestuous times, if not properly attended to now, might press upon the nation with a weight scarcely to be supported. If he found any fault with the statement of the right hon. Gentleman, it was that he had passed over all reference to that question in one single sentence, and merely told the House that the National Debt had undergone a reduction by the conversion of it into terminable annuities. He was not opposed to that conversion, but when they looked back, as they ought to do, at this mode of dealing with the debt, they must bear in mind how small a proportion the terminable annuities bore to the mass of the debt with which they had to deal; and they must also take into view, that whilst they considered the reduction of the funded debt, they must not forget the annual increase of the unfunded debt. Having before him the finance accounts for the last five years, he had taken the trouble to draw out a statement of the progress which, during that period, had been made in the reduction of the debt. He found from those papers, that in 1831 the total charge of all the debt, including the interest on the funded debt, what was paid of terminable annuities, and what paid for unfunded debt, amounted in round numbers to 28,350,000*l.* In 1836, taking the account which had that day been printed, and placed in their hands, and which, perhaps, did not present an exact analogy, being made up to the quarter ending in January instead of that ending in April, but which he was obliged to resort to, having no other—by that account, he observed, that the total amount of the charge of the debt last year was 28,784,000*l.*, being an increase in the charge of the debt since the year 1831, of upwards of 400,000*l.*; and this increased sum did not include the annual interest on the West-Indian loan. This increase in the charge of the debt, too, it must be observed, had taken place, notwithstanding the advantages which the Government had enjoyed since the year 1831, of relieving the country of an annual burden of 50,000*l.*, by a reduction of the Four per Cents.; and also by another obtained from the altered bargain with the Bank of England of 100,000*l.* With all these advantages they were now about 450,000*l.* worse than they were in the year 1831. This was a point to which he thought the attention of the House ought always to be directed. They had been constantly, and were still constantly, in the habit of issuing annually an augmentation of exchequer bills; and thence, in a great degree, arose the increased charge, which he was anxious to point out, in order that steps might be taken for its reduction. He wished the House not to be led away by a notion that the receipts were so much above the expenditure. It might be said, which he admitted, that part of the increase arose from the conversion of interminable into terminable annuities. But there was little consolation to be derived from that. In 1831 the unfunded debt amounted to 25,600,000*l.* In the present year it amounted to about 29,000,000*l.*, being an increase, since the year 1831, of 3,400,000*l.* He begged the House to understand, that he did not wish to interfere with the course which the Government adopted in issuing exchequer bills; but what he contended for was this, that as the re-payments came back, the House ought to see that they were applied to the reduction of the debt. Then, with respect to the terminable annuities. In the year 1831 the quantity of terminable annuities amounted to 3,300,000*l.* At the present period it appeared that they amounted to 4,070,000*l.*, being an increase of very nearly 700,000*l.* He (Mr. Goulburn) thought, that in that statement of facts, which, as far as the papers upon the table of the House could bear him out, he would undertake to say, was a fair and correct one; there were circumstances which called upon the House to exercise the greatest caution in dealing with any surplus which the Chancellor of the Exchequer might contemplate. He thought the present the proper moment to make a statement of this description, in order that before they came to the discussion of the various repeals of taxation which were to be proposed to them, they might bear in mind how those repeals would operate with regard to the views which he had taken of the subject. He hoped, also, that if some hon. Gentlemen were disposed individually to press for the reduction of particular taxes, they would not forget the increase of the debt, which he had endeavoured to bring under their consideration. With respect to any other part of the statement of the right hon. Gentleman, he had only to join in what appeared to be the general feeling, that there was an existing state of prosperity in the country which called for mutual congratulation, but which he thought, with the right hon. Gentleman, was not such as would warrant any exuberant liberality in dealing with the finances of the country. He thought with the right hon. Gentleman, that they would be dealing much more prudently if for the next year they calculated upon a less prosperous state than that which had sprung up between the last and the present year. Having adverted to these, which were the main points pressing on his mind, he had now only to refer for a moment to a matter which partook somewhat more of a personal character, and which arose out of a conversation which took place between the right hon. Gentleman and himself on a former occasion, when he (Mr. Goulburn) presented a petition to the House on the subject of the proposed reduction of the newspaper stamp. He (Mr. Goulburn) did not then propose to enter into the question of whether the reduction of that duty would be proper or improper—he would not even advert to the point which he was anxious to bring under the consideration of the House when he presented the petition—all that he wished to do was, to reply to an observation then made by the right hon. Gentleman. The right hon. Gentleman was understood to accuse the petitioners with unfairness in coming before the House with such a complaint as that stated in their petition, having had a communication with him (the Chancellor of the Exchequer) on the subject of the proposed limitation of the size of newspapers, and he having reason to believe that they were satisfied with the limitation he proposed. Since the statement of the right hon. Gentleman had gone abroad, he (Mr. Goulburn) had received letters upon the subject from several of the petitioners. He had one from the editor and printer of the *Times*, in which they stated that they neither directly nor indirectly had agreed to any proposition for restricting the size of any newspapers, or authorised or deputed any one to communicate with the Chancellor of the Exchequer on the subject. He had also a letter from the editor and printer of *The Morning Post*, couched in similar terms. Neither directly nor indirectly had they been concerned in the proposed measure for limiting the size of newspapers. He (Mr. Goulburn) thought it but just that the right hon. Gentleman should know the declaration of those gentlemen on the subject of their having been parties to any propositions for altering the size of newspapers; and he therefore took the earliest opportunity of communicating to him the contents of the letters he had received. But before he quitted this subject, he must be permitted to make a few observations on the personalities in which the right hon. Gentleman indulged the other night with respect to himself. The right hon. Gentleman taxed him, with considerable warmth, for having presented a petition on the subject of limiting the size of newspapers, in utter oblivion of his own recorded sentiments upon the subject; and the right hon. Gentleman quoted a paragraph from a Bill which had been in the Stamp-office, and which was left by him (Mr. Goulburn) in the Treasury, in which, undoubtedly, there did stand a clause for reducing the size of newspapers to within certain limits. At the time that the right hon. Gentleman read that paragraph, he (Mr. Goulburn) was so little aware of ever having intended to adopt such a limitation, that the first impulse of his mind was to give a direct and positive contradiction to the statement. But supposing that the right hon. Gentleman had thoroughly investigated the subject, and that his (Mr. Goulburn's) own memory must have totally failed him upon the subject, he allowed it for the moment to pass by. But when he referred to the schedule of duties placed by him on the table of the House in 1830, he found that, so far from a limitation of the size of newspapers, he adopted in that schedule the provisions of the Act of Parliament introduced by Mr. Huskisson, making no limitation whatever, but giving relief to those who published separate papers as supplements, and giving further relief to those whose papers consisted entirely of advertisements. The schedule thus laid on the table contained that record of opinion upon the subject by which he was bound to stand. The Bill from which the right hon. Gentleman had quoted was not, in fact, before the House—it was in draft; and he certainly did not expect—indeed, he did not think it either right or courteous, that a public officer, filling the same situation which he (Mr. Goulburn) had once the honour to hold, should avail himself of such means to lead the House to suppose that his opinions were different at one moment to what they were at another. [The *Chancellor of the Exchequer:* The Bill was in print.] He knew that. It was printed, but printed how? Not by order of the House; but printed in draft. When it was brought to him in manuscript, it was so long and so painful to read that he begged to have it printed draftwise, and in that state it was that it must have fallen into the hands of the right hon. Gentleman. The Bill was never brought forward; and he begged to state now, once for all, that there were propositions in it, as it was originally drawn and submitted to him, in which he could not concur. If the right hon. Gentleman meant to make the quotation from the Bill a charge against him, it was really one of a more serious nature than he seemed to think. The right hon. Gentleman charged him with an intention of imposing a duty on newspapers according to their size. If that were really his intention, how fraudulently must he have dealt with the House, having presented to the House a schedule upon the subject, and in that schedule having said nothing whatever about the intended restriction. But he would not dwell longer upon the subject. He thought, however, that the House would agree with him, that whatever argument the right hon. Gentleman had derived from reference to a Bill printed in draft, was worth nothing. At all events, he appealed from the Bill to the schedule which he had laid upon the table of the House. The opinion expressed in the schedule upon the subject he should be prepared, when the proper time arrived, to maintain, and to show that the mode in which the right hon. Gentleman proposed to deviate from what took place in 1830 with respect to newspapers, was not advisable for the press, nor desirable for the country. The right hon. Gentleman concluded by again directing the attention of the House to the necessity of providing for the reduction of the national debt, before it sought for the application of any great amount of surplus to the reduction of taxation.

Mr. *Robinson* concurred generally in the views taken by the Chancellor of the Exchequer, and was happy to find that, notwithstanding the reduction of 8,000,000*l.* of taxation within the last few years, there would still, but for the amount of interest payable on the money voted for the emancipation of the negroes, have been a clear surplus for the present year, of not less than 1,000,000*l.* The right hon. Gentleman had, in the course of his observations on the excellent working of the principle of free trade, alluded to the importation of French wines; but it did not appear to him that a greater failure, as a financial measure, than that of the equalisation of the duties on French wines, either in the way of producing an increased consumption, or of inducing a disposition on the part of the French Government to adopt reciprocal measures, had ever taken place. As a commercial man he thanked the right hon. Gentleman for the very salutary remarks he had made as to the necessity of caution on the part of those engaged in trade. He did not take any desponding views of the present state of the country; nor did he anticipate any reaction; at the same time it was the duty of a financial Minister to remind the country that by possibility some check might be given to the present prosperity, which arose in part, he was afraid, from over speculation. The right hon. Gentleman estimated that the stamp duties would produce next year 7,000,000*l.* whereas this year they only produced 6,900,000*l.*; and yet he proposed a reduction in that duty of upwards of 200,000*l.* How could the right hon. Gentleman entertain this expectation, unless he anticipated to make up the difference by his arrangements in the new Stamp Act? There was hardly one clause in that Bill which did not call for the serious consideration of the House before they consented to it. The right hon. Gentleman had said, that whenever a tax became unproductive, it was in itself an evidence of the impolicy of the tax. Now he had stated yesterday, that although the trade and commerce of the country had gone on increasing, yet the produce of the stamp duty on marine insurances had decreased. He therefore hoped that the right hon. Gentleman would take the subject into his consideration, and propose some reduction of that tax. After all, it appeared that the only reduction of taxes proposed were those on newspapers, on glass, and on paper. He certainly would never ask for a reduction of taxes below the amount of available surplus revenue, and as other opportunities would be afforded, he would not now do more than generally express his satisfaction with the statement made by the right hon. Gentleman, and a hope that the resources of the country would go on so improving as to admit of a further reduction of taxation, by which its industry and commerce might be promoted.

Sir *Robert Peel* intended to follow the example so wisely set by the Gentlemen who had spoken in the course of this slight discussion, because he thought it exceedingly wise to interpose some interval between hearing the financial statement of a Minister of the Crown, from which they ascertained the amount of surplus revenue that could be fairly applied in the reduction of taxation, and of pronouncing any conclusive opinion in debate, as to the taxes which ought to be selected for reduction. Assuming that there were 500,000*l.* or 600,000*l.*, which might be fairly applied in the remission of taxes, he should like to have an opportunity of referring to the very valuable information collected by the Commissioners of Inquiry into the state of the Excise Laws, for the purpose of forming a comparative view of the whole subject of taxation, and of ascertaining by what mode they might avail themselves of the small amount of surplus in the most effectual manner, for the purpose of decreasing the burdens of the people, and of increasing the productive industry of the country. The glass duty, the paper duty, the soap duty, and one other duty which had not been adverted to by the right hon. Gentleman, but which he (Sir Robert Peel) should be glad to have the opportunity of fully considering—namely, the duty levied upon the importation of raw cotton—all these various points he should now avoid pronouncing any opinion upon; but having made up his mind as to the surplus available, he should at a future opportunity give his opinion as to what were the taxes most prudent to reduce. He felt the force of the observation made by his right hon. Friend (Mr. Goulburn), that in time of peace we were not making any rapid progress in the reduction of the funded debt; while we were increasing our unfunded debt, which, in a time of difficulty, might press with peculiar severity upon the country. These were considerations which ought never to escape the attention of that House; and before the House dealt too liberally with respect to a surplus revenue, he hoped that those subjects would engage their serious attention. With regard to the duty on the importation of raw cotton, he would just state, that in the year ending 5th April, 1835, the duty collected upon that article, which undoubtedly was one of the main sources of the prosperity of the country, amounted to 374,000*l.*; and in the year ending the 5th April, 1836, the amount levied was 400,000*l.*; the rate of duty being, he believed, only five-sixteenths of a penny per lb. But it behoved the House to bear in mind that the manufacturers of this country were exposed—and so long as peace continued, they would be exposed—to vigorous foreign competition. He, therefore, would say, that to levy such a duty as 400,000*l.* upon a raw material which formed the staple of our chief manufactures, was most unwise. On the one hand no advantage could be gained from so small a revenue; on the other, it would be most dearly purchased if by retaining it we should increase the advantages of an increasing and successful competition by foreign countries. With his views as to the necessity of maintaining public credit inviolate, and as to the impolicy of making no provision whatever for the interruption of that prosperity the country was now enjoying, and deprecating as he did the approach to that state of things by which they might encumber themselves with a new debt, he could not certainly press for the remission of the whole tax upon raw cotton; but he should rejoice to see its amount reduced as low as possible, so as not to encourage unnecessarily any competition in that important branch of trade. He also wished to reserve to himself an opportunity of considering whether, in dealing with so small an amount of surplus revenue, it might not be better to remit the duty altogether on one article, than to make a remission of a portion of the duty on two or more articles; whether, for instance, the total abolition of all excise regulations with respect to glass might not lead to a great extension of the manufacture of that useful article in this country; and whether that might not be a new and an abundant source of wealth, by our becoming manufacturers of an article which was now chiefly manufactured by other countries. There was one point to which he thought his right hon. Friend (Mr. Goulburn) had intended to call the attention of the House—the policy of increasing the exportation of beer. There did seem to be a prospect of a very great increase in that branch of our export trade; and whether it might not be further increased by some regulation with respect to allowing a drawback, was worthy of consideration. He differed from the hon. Member for Middlesex as to the impolicy of the observation made by the Chancellor of the Exchequer in that tone of caution and warning which he assumed when speaking of the present state of prosperity in the country. It was infinitely more becoming the station of a finance Minister to adopt the language and tone of caution, than the tone and language of unbounded confidence. At the same time, he saw great cause for congratulation in the present state of the manufacturing industry of the country. He believed that our present prosperity stood in general upon stable foundations, while peace continued with foreign countries; and particularly if there were any hope of the South American provinces being restored to a state of quiet and tranquillity, he could not but think that, with the elastic spirit of industry and enterprise in this country, there was a reasonable prospect of the continuance of a great part of our present prosperity. But, at the same time, he certainly thought there were indications which would lead prudent men to doubt whether the whole of that prosperity was sound, or whether the activity which was now everywhere displayed, was necessarily connected with a safe and permanent state of things. It was impossible to see the rapid and universal rise in the price of every article of consumption, without asking the question—to what was that to be attributed? It was impossible to take up some of the newspapers—he particularly referred to some Liverpool papers—without witnessing a rage for the formation of joint-stock companies, having for their professed objects matters exceeding in absurdity those of the joint-stock companies of the year 1825. He had seen prospectuses put forth in a Liverpool paper of schemes which completely astonished him, proceeding as they did from a place so eminent in the commercial world, so noted for the astuteness of its inhabitants, especially that class who there carried on commercial affairs. Projects have been put forth by commercial men for carrying on manufactures and other commercial speculations by means of joint-stock companies, which could only be carried on with success when directed by individual enterprise, and with a view to individual profit. Coupling these two facts together—an universal rise in prices of all articles of consumption, and this tendency not merely to an ordinary kind of speculation, but to similar mad projects to those which prevailed in the year 1825—without feeling any cause of despondency, or any undue anxiety, yet he thought those were but acting the part of prudent men who, in time, made use of words of caution from prudential motives. There were two circumstances which ought not altogether to escape the notice of the House. One was a measure which, when first introduced, he strongly opposed—which he knew was adopted with the single view, and not perhaps unwisely, of meeting a memorable commercial crisis—namely, the measure which relieved the country banks from paying their notes above *5l.* in gold, and permitting them to exchange their paper for the paper of the Bank of England. While he admitted, that supposing a crisis arose, much of the evil of the crisis might be obviated by giving such permission; yet he always feared that the measure itself had a tendency to precipitate that crisis. Therefore, he for one witnessed the adoption of that permission with some anxiety and some alarm. Now, whether the principle upon which the joint-stock banks were established was perfectly sound or not, he was not prepared to say; but it did so happen, that coincident with all sorts of speculation, the multiplication of joint-stock banks throughout the country had taken place. Nothing could be so unjust as any inquisitorial interference with the private transactions of commercial men; but he thought, that as regarded these joint-stock banks, the legislature had a full right to require that there should be some general regulation established as to the principles upon which those banks should be conducted. Whether or not the habit of granting accommodation to the partners of those banks by issues of their own notes, was perfectly consistent with the commercial interests of the country, was a question which might be well deserving of consideration. He was aware at the same time that what might tend to diminish his anxiety was the present state of the foreign exchanges. Whether or not they ought to consider the state of foreign exchanges as a real test of soundness in a time of general commercial confidence and prosperity, whether they acted with sufficient rapidity, and were an infallible guide, was a point upon which he was not prepared to pronounce any decisive opinion. We were now proceeding with a flowing tide and a favourable wind, and every thing appeared prosperity and happiness; but we should bear in mind that in all times, even apart from those factitious causes which might be now increasing our prosperity, the commercial history of this country showed that we were subject to vicissitudes arising from excessive speculation; and when that period should arrive—if ever it did arrive—he was sure we should not feel regret that in a time of general exultation and general quiet, there were some found amongst us who, not desponding, not in the least despairing—nay, believing that a great portion of our prosperity did rest upon stable and solid foundations — yet did, from prudential considerations, warn the House and the country that that prosperity might not be permanent, and that, interspersed with solid causes of prosperity, there might be others upon which it was not safe to rest. He would not dwell upon this subject, but without advising their entering into an inquiry of an inquisitorial nature, or which might interfere with that free agency which was essentially necessary to the general prosperity of a commercial nation, yet he thought that it was perfectly consistent with that principle that the legislature should inquire whether the banks of issue, exercising as they did one of the royal prerogatives, were conducted upon principles of safety to the interests of the country at large.

Mr. *Poulett Thomson* thought that caution and prudence were above all things necessary at the present time, in order that the existing prosperity of the country might be maintained, and that we might not see it succeeded by similar scenes to those that took place in 1825. It was impossible not to be struck with the spirit of speculation that now existed in the country; but he believed that there was a great difference between the present state of things and what took place in 1825. The spirit of speculation was then turned to foreign adventure of the most extraordinary description; but now speculation was directed to home objects; which if pushed too far might be very mischievous, though the consequences might not be quite so mischievous as in 1825; but, really, on turning to any newspaper, or to any price current, and observing the advertisements of joint-stock companies upon every possible subject, however unfit to be carried on in the present state of society, any man must be struck with astonishment at the fever which raged at this moment for those speculations. He felt it his duty some time ago to direct a register to be kept, taking the names merely from the London and a few country newspapers, of the different joint-stock companies, and of the nominal amount of capital proposed to be embarked in them. The nominal capital to be raised by subscriptions amounted to nearly 200,000,000*l*., and the number of companies was between 300 and 400. His right hon. Friend just now reminded him of the speculation in France for making beet-root sugar; but that was a sound speculation compared to some of those mentioned in his list. The first was the British Agricultural Loan Company, with a capital of 2,100,000*l*. He had been furnished with a blank corn note, issued by this company, which ran in these terms:—

“ *Exchange. British Agricultural Loan Company. Ten quarters English wheat. London. 18 No. I promise to deliver on demand, to the order of ten quarters of wheat, weighing lbs. per bushel, from the county of and the growth of*

18 , warehoused on the of
18 in sillo on which all charges
have been paid up to the 18
20l. standard value.
For the Governor and Directors
of the British
Agricultural Loan Company.
Entered Storekeeper. Secretary."

Another company was proposed for supplying rain-water. Then there was the Patent Steam-paddle Company, with a capital of 30,000*l.*; the Safety Cabriolet Company, capital 100,000*l.*; the British and American Intercourse Company, capital 2,000,000*l.*; the London Whale Fishery Company, capital 600,000*l.* And then, to show the way these companies were starting up, for objects either of the most absurd kind, or for objects which private individuals were perfectly able to accomplish, he found the Liverpool British and Foreign Trading Company, capital 250,000*l.* His noble Friend opposite knew perfectly well, that it was not at all an unusual thing for an individual in Liverpool to embark 250,000*l.* as a capital in foreign trade; and there were many who had a great deal more engaged in that business. Seeing these things, it appeared to him that the people of this country, having their minds recalled to notions of prudence and caution, was a likely means to put a stop to the evils that must otherwise flow from this state of things. He knew that these companies had not their origin only in London. In 1825, London was the great centre of speculation; but he was afraid that these companies now took their rise in other parts of the country. The right hon. Baronet had referred to a Liverpool paper. He (Mr. P. Thomson) was afraid that the place he represented (Manchester) could furnish as many instances of schemes for objects which could never be beneficial to any one, and in which the parties would only be throwing away their money. The fact was, that the greater part of these companies were got up by speculators, for the purpose of selling their shares. They brought up the shares to a premium, and then sold them, leaving the unfortunate purchasers, who were foolish enough to vest their money in them, to shift as they could. These speculations ought to be checked, otherwise great mischief would ensue from the odium which would be thrown on those joint-stock companies that were a national good. It was well known that most of the great undertakings that had of late years characterised this country, had been achieved by the enterprising spirit of individuals forming themselves into joint-stock companies. Therefore, he felt anxious that the good accruing from companies of this description should not be lost by the discouragement which the setting on foot of these mad and foolish schemes must ultimately occasion to joint-stock companies of real merit. The right hon. Baronet had referred to the state of the joint-stock banks. He (Mr. P. Thomson) had seen also, with great regret, the extent to which joint-stock banks had sprung up in different parts of the country. He believed great good had arisen from joint-stock banks, but the observations he had made with regard to other companies were equally applicable to many of the joint-stock banks that were springing up in different parts of the country, and the existence of which could only be attended with great mischief. He had a prospectus of what was called the English, Irish, and Scotch Joint-Stock Bank, with a proposed capital of three millions in England, two millions in Ireland, and two millions in Scotland; and which held out the greatest possible advantages to the parties engaged in it. The shares too were of very small amount. Indeed, on this point, he had seen some companies with shares as low as 10*l.* The great danger of evil arising from speculations of this kind was obvious. But even in those joint-stock banks which were good, and could conduct their business properly, and which had an immense amount of capital laid up, as well as almost inexhaustible credit, there was, he believed, a new element introduced since the last discussions they had had upon this subject, which they must not lose sight of; but which he confessed he knew not how to correct, except through the prudence and greatest caution of the parties themselves. What he meant was this. Parliament had been in the habit of considering it their duty to look most cautiously to banks of issue; but banks of deposit were not thought likely to lead to mischief; and, therefore, that they did not require to be rendered subject to parliamentary control. In fact, there appeared to be little chance of laying any restriction upon their proceedings. He believed that that opinion was correct; but it was subject to this observation, that

Parliament looked for security to the prudence and caution of the parties themselves, and to their managing their business upon what he (Mr. P. Thomson) considered to be alone the sound principle for conducting a bank of deposit, namely, of dealing with the capital of their depositors, not their own, and not speculating upon the credit which they might enjoy. Now, a new element had certainly sprung up; and he believed that a great deal was done by these establishments in the way of discounting their own credit. The bills which came into them from their customers, were discounted at a much higher rate of interest than as compared with what would be charged in London, when passing with the credit of an endorsement by a joint-stock bank; and thus a much larger proportion of those bills found currency than would be the case under another system. To that might be attributed, in some degree, the circumstance which they now saw existing—namely, high prices, and the support which was given to the spirit of speculation in the country, unaccompanied as it was with any large increase of issue, either from the country banks of issue, or, in London, by the Bank of England itself. This, in his opinion, was not a safe state of things. As long as the country should go on prosperously, as long as prices kept rising, as long as the first utterer of these bills was able to meet his engagements, so long no disturbance would take place. But let there be a fall of prices, and then, he believed, the penalty which the country would have to sustain, by the encouragement of this false system, would be very great indeed. He believed, that to a certain extent, these banks did great good; but pushed as they were now to so extreme a degree of competition, he was apprehensive that considerable mischief would ensue. He hoped, however, that the prudence and caution of those parties who had so much to lose, would prevent the occurrence of mischief. He confessed, that he regarded, as of much more importance, the system of which he had been speaking, carried, as it had been, to so great an extent, owing to the competition of the joint-stock banks, than the circumstance alluded to by the right hon. Baronet—namely, the regulation under the law for making *5l.* notes the limit of issues. He thought if any adversity were to arise, the country would then feel the full benefit of that measure.

Mr. *Matthias Attwood* agreed in much of that which the right hon. Gentleman had said on the subject of the mischievous effects which the errors of over-speculation were calculated to produce; but he at the same time thought it should be borne in mind that these errors and blunders were always the necessary and almost unavoidable consequence of a state of things in which enterprise was sure to be too speculative; but there never could be any great and unusual extension of the productive industry of the country unaccompanied by these results. He could not help thinking, however, that much of this cause of complaint arose from defective legislation, and that the time of the right hon. Gentleman, and the attention of the House, might be much more profitably employed in endeavouring to amend the system on which the financial concerns of the country were conducted, than in making unavailing complaints of unavoidable evils. Nor could he avoid adverting to the very extraordinary tone which had been adopted in the course of this debate, as regarded the state of the commercial transactions of the country. It seemed to be assumed that, as compared with countries on the Continent, this country was not prosperous, and that there was at present no secure basis for the very limited degree of prosperity we enjoyed. He, on the other hand, thought that the greater part of the prosperity of the country rested on the surest and most stable foundation—that of the prudence and spirit of enterprise inherent in the community; and he was also of opinion that this spirit of enterprise, if left to itself, uninterfered with by bad financial regulations, would secure a continuance of that prosperity, fixed upon a basis which no merely temporary causes of fluctuation could possibly affect. He thought, therefore, that hon. Gentlemen opposite, rather than spend their time in enumerating the errors into which the commercial spirit of the people had led them, had better set about framing some more beneficial financial system. He did not so much oppose the arguments which the right hon. Gentleman had used, or the facts he had stated, as he disputed the inferences which he had drawn from them—inferences which he had thought the right hon. Gentleman would not have leant himself to. The right hon. the Chancellor of the

Exchequer had entered into a variety of statements, for the purpose of showing, that increased internal prosperity was to be inferred from the increase in exports. He was of opinion that the amount of exports was a very bad test of the commercial advantages derived by the exporters; the real question was, what profit had the people who made the exports received upon them? Increased exportation was proof of increased production certainly; but the amount of importation in return must be looked to in order to ascertain the commercial balance of the transaction. If the amount of exports were to be expressed by sixteen millions, and the amount of imports by four millions, there would be very good ground for the inference of the right hon. Gentleman, that increased exportation was proof of increased production; but he (Mr. Attwood) would require to know what had become of the twelve millions forming the difference, and what advantage the country had derived from an increased export, unaccompanied by a corresponding import? Without then delaying the House, he would only say, that he thought the right hon. Gentleman's view of the exports of the country being a criterion of prosperity, was based on delusion.

The *Chancellor of the Exchequer* would not be tempted by any thing that had occurred in the course of the debate, to enter into the general question of the currency; more especially as the House appeared very anxious for the termination of the discussion. He very much regretted that the right hon. Baronet, the Member for Tamworth, was no longer in his place. The right hon. Baronet had confirmed the few hints which he (the Chancellor of the Exchequer) had thrown out—not of alarm and distrust, but of caution and prudence; and it afforded him the highest gratification to find that, in the course which he had felt it his duty to pursue, in this part of his statement, he had been supported by the authority of the right hon. Baronet. He entirely concurred with the right hon. Baronet in his estimate of the advantage the country would derive from the repeal of the duty on raw cotton, supposing the state of its revenue admitted of such a reduction. There was not one word of what had fallen from the right hon. Baronet on this point in which he did not fully concur; but however desirable he might deem such a reduction to be, he could not, with the amount of surplus he had that night announced, take upon himself the responsibility of proposing it. He wished to say one word, in the next place, with reference to what had fallen from his hon. Friend, the Member for Worcester (Mr. Robinson), relative to the Stamp Act, because he knew that if observations coming from such a quarter, remained uncontradicted, they would obtain a considerable degree of currency. The hon. Gentleman seemed to think that the effect of the various details of the Bill would be to add greatly to the whole amount of duty paid. Now, he had brought the fact to a pretty fair test, with reference to one head of revenue at least, and he begged his hon. Friend's attention to the statement he was about to make, because it bore directly upon his argument. He held in his hand an account of the whole amount of stamp duty on bills paid by a very considerable house in the city of London, for one year; and on the other side he had a statement of the exact amount which would have been paid had the regulations he now proposed been in force. Under the old Act, the amount was 1,214*l.* 18*s.*; under the new one, it would have been 1,196*l.* 10*s.* 4*d.* He would now entreat the attention of the House to a little personal matter between his right hon. Friend opposite (Mr. Goulburn) and himself, which, like all other matters between them, could only be discussed with feelings of mutual good will and regard. His right hon. Friend had adverted to two points:—the one, his own intentions in the year 1830 with respect to the size of newspapers; and the other, the transactions which had lately occurred between himself and the members of the press. He would take each of these points in its turn. His right hon. Friend, he was quite sure, would not suspect him of converting any official information that came within his reach to an uncandid purpose, or of using it in an uncandid manner. But when he had put into his hand a printed copy of an intended Act of Parliament, it would have been the very last thing to enter his mind that it was to be treated as a confidential communication in any shape whatever; more especially as in framing the Bill he had referred to the right hon. Gentleman's labours on the subject, and to the Bills which were in progress at the time of his leaving office. Until his right hon. Friend stated it himself, he could not have believed that he had altered his mind with respect to fixing a limitation of the size of the paper, because the schedule which was annexed to his right hon. Friend's proposed Bill, although it did contain particular provisions with respect to the supplement, they were certainly not the provisions which Mr. Huskisson proposed. [Mr. *Goulburn*: Yes, they were.] He could not conceive how that could be, because Mr. Huskisson proposed no limitation whatever; whereas, his right hon. Friend's clause applied to a supplement containing a certain number of advertisements, and sold at a particular price; and it contained an enactment specially limiting the size of the paper itself. With these documents before him, he could not suppose that his right hon. Friend had abandoned the intention embodied in them, until he heard it announced by himself. The Act of 1824 limited the size of the papers to 32 inches by 20, but Mr. Huskisson removed that restriction, and allowed newspapers to be printed on paper of any size. Now, in the schedule of his right hon. Friend there was a certain restriction—not with respect to the contents of the supplements, but to the size of the sheets on which they were to be printed, which was specially limited and controlled by the enacting clause of the bill which he then had before him. After the explanation of his right hon. Friend, he could entertain no doubt of his having abandoned this intention, and of his having determined not to bring in the Bill in the shape he originally contemplated. The next point involved a matter of private and individual faith, and he therefore entreated the patient attention of the House. On a former occasion, when the petition of the newspaper proprietors was presented, he took upon himself to express the very great surprise he felt at the course adopted by the individuals who had signed it, because he had been in communication with those individuals throughout the whole proceedings, and because every suggestion upon which he had acted had been adopted with their knowledge. Now, an utter denial had been given to this assertion, and his right hon. Friend had repeated that denial in the House. This being the case, he felt it a duty which he owed alike to himself and to the House, to give the fullest explanation of the whole transaction; an explanation which he trusted the House would admit to be perfectly and entirely satisfactory. The question was, had he really been in communication with the parties who had petitioned the House. Next, with respect to the superficial measurement of the paper, and the limits he had adopted—he had adopted them with their privity and knowledge. It was in the month of July last that he had been first applied to to receive a deputation on the part of the London Newspaper Press, stating the then violations of the law which were constantly taking place, and requesting immediate protection from the infringement of their existing rights. He wrote in reply to that request, as he did to every other of a similar description, that he should be happy to receive the deputation at a convenient period, which he named. The paper he now held in his hand was the paper which was delivered to him as the authority of the deputation. It was signed on the part of *The Times*, on the part of *The Globe*, on the part of *The Standard*, on the part of *The Sun*, on the part of *The Morning Advertiser*, on the part of *The Age*, on the part of *The Dispatch*, on the part of *The Courier*, and on the part of *The Bell's Weekly Messenger*. The deputation stated to him that they represented the newspaper proprietors of the city of London, and he so received them. He gave them an answer with respect to the then state of the law, with which it was immaterial to trouble the House; and he developed to that deputation, in July last, the very scheme he had now opened for the reduction of the permanent duty, of which communication he now found a pencil note on the back of the paper. Subsequently, the chairman of that meeting wrote to see him again on the part of the newspaper proprietors of the city of London. He saw him repeatedly afterwards, not singly, but with five or six other gentlemen; he was always admitted to see him, for he had made it a rule to receive, not only the friends to the entire repeal of the tax, but those who were opposed to it. These gentlemen attended in Downing-street, and saw him, always representing that they were the committee—the same committee emanating from the meeting of newspaper proprietors of the city of London, whose paper he now held in his hand. He held also in his hand a suggestion which was left with him by those gentlemen connected with the alteration of the measurement. It was contained in the following resolution:—"Resolved, on the motion of Mr. Bell, seconded by Mr. Shaw, that a deputation be instructed to take with them copies of the old and new *Bell's Messenger*, to present to the Chancellor of the Exchequer at their next interview, and to request the right hon. Gentleman to extend his proposed limitation of size to the superficial admeasurement of those papers." This resolution was carried unanimously and signed by the chairman, and he was informed by that chairman that the original document was signed by one of the parties representing one of the papers which had petitioned that House, who now denied, through his right hon. Friend, ever having had any intercourse with him, and protested against the change he proposed. There might be altogether a mistake in the matter, these gentlemen might have falsely represented themselves to him; but his right hon. Friend, from his habits of official business, must know, that under the circumstances he could do nothing but believe that those who told him they represented the press, and that the voucher originally brought to him, as their authority, signed by the parties interested, was a voucher which accompanied them throughout the whole transaction; and therefore that he was justified in stating that he was acting with their knowledge and privity. He would not trouble the House further; he had felt it necessary to make a full explanation, and he was obliged to his right hon. Friend for having afforded him an opportunity of doing so. The parties could refer to their own chairman, and the members of the deputation who had waited on him, both of whom would repeat the whole statement he had now made. He felt it incumbent upon him to enter into it; it was important to himself, as involving a matter of personal faith and personal feeling. With reference to any statements that had been made elsewhere, he would only say that he should not have noticed them, but as his right hon. Friend had given him the opportunity of meeting an assertion in that House, he trusted the House would see that he had done no more than his duty in stating the facts as they had occurred.

Mr. *Goulburn* was understood to say that the deputation appeared only to have included one of the petitioning parties.

The *Chancellor of the Exchequer* replied, two.

Mr. *Goulburn:* Well, at least the *Morning Post* and *Morning Herald* were not stated to be represented.

The *Chancellor of the Exchequer:* Yes, they were stated to be represented, but no signatures on their part were added to the list which he had read.

Mr. *Goulburn* knew nothing further on the subject, but what he gathered from communications which had been made to him in the course of the evening, by different gentlemen, who asked him to state that they had not authorized or assented to the proposition of his right hon. Friend with regard to the size of newspapers. That his right hon. Friend believed the deputation to represent those parties there could be no doubt. With respect to the other point on which the right hon. Gentleman had touched, he had found in his office the original draught of the bill, as prepared for consideration and revision, and the right hon. Gentleman had availed himself of the clauses as they stood in that draught to support the arrangement which he had adopted, but which was not borne out by the schedules actually submitted to the House. He had not intended to propose any limitation in the size of the paper; he had intended to submit a proposal, and to call on the House to approve it, which should contain no limitation whatever. His right hon. Friend would imply, that after bringing forward the general plan, it was his (Mr. Goulburn's) intention to ask the consent of the House to a clause limiting the size of newspapers, and the tendency of producing this paper, found in the office of the right hon. Gentleman, was to raise an idea that he meant to deceive the House. Now, he could assure them that he never had any such intentions; and he wished to set himself right with the House on this point. The words of the schedule were—"Newspaper containing public news, intelligence, or occurrences, or any remarks or observations thereon, or upon any matter in Church or State, with or without advertisements; (that is to say) for every sheet, half sheet, or other piece of paper, whereof the same shall consist, 4*d*. duty." The House would see that there was no limitation here.

The *Chancellor of the Exchequer* said, that the clause he had found in his office contained an express provision that no newspaper should be printed on any sheet or piece of paper exceeding 41 inches in length, and 26 inches in breadth. He had no doubt that his hon. Friend had no more intention of bringing forward this proposition than he had stated to the house. He was perfectly satisfied with his right hon.

Friend's explanation; he never could have produced the clause for the purpose of asserting that his right hon. Friend meant to deceive the House. He had alluded to it for the purpose of supporting his own arrangement. There would have been no necessity in the bill of the right hon. Gentleman to say a word about a supplement, if the sheet had been originally intended to be of unlimited size, and in the bill of Mr. Huskisson, which allowed sheets of any size to pass free of duty, there was no necessity for the mention of any restriction.

Mr. *Goulburn* :—The words in his schedule were precisely as set down in Mr. Huskisson's Act, and that measure contained no limitation whatever.

Mr. *Baines* wished to ask some questions of the right hon. the Chancellor of the Exchequer relative to three points of his financial statement. He begged to inquire whether the duty on both descriptions of paper was to be reduced ; and also if the discount of 20 per cent. now allowed on the newspaper stamps would be continued in the new scale of duty. The other point to which he wished to draw the right hon. Gentleman's attention was this—they had heard that it would be extremely desirable to reduce the taxes on raw materials, and particularly on cotton wool; now there was also a duty on the introduction of sheep's wool, and he hoped that they would be taken into consideration. He wished for the reduction of both taxes; the same principle was applicable to each ; the effect of their reduction would be to relieve manufactures from the pressure of the import duty on the raw material.

The *Chancellor of the Exchequer* said, that he meant to fix the duty on all classes of paper at 1½*d.* per pound, which would equalize the whole of the duty. With respect to the second question, as to the allowance of a discount of 20 per cent. on newspaper stamps, he had stated it to be his intention to propose a certain duty ; he meant a certain duty in actual receipt.

Mr. *David Roche* thought that the newspaper proprietors in Ireland had not been fairly treated, as they were not to receive a reduction of duty proportionate to that extended to England and Scotland. He begged to call the right hon. Gentleman's attention to the propriety of making a still further reduction in the tax on glass.

Sir *John R. Reid* wished to know if the right hon. Gentleman had included relief to the Danish claimants in his Budget.

The *Chancellor of the Exchequer* did not know if he had quite understood the question of the hon. Baronet. He could state that he had placed on the table an estimate of a vote of 78,000*l.* additional for the relief of the Danish claimants. Provision would thus be made for those who had lost their property on shore ; and last year compensation had been granted to those who had lost their goods on shipboard. He regretted that it was quite impossible for him, with the surplus he had already stated, to enter into the question of the glass duty. His hon. Friend behind him (Mr. Roche) should recollect that Ireland had suffered most severely, not from an equality, but an inequality of duty. An inequality could not exist, unaccompanied by a system of drawbacks ; and it was under such a system when the manufacturers of England traded, not for the price of their goods, but for the drawback, that Irish manufacturers had become nearly extinct.

Colonel *Sibthorp* said, that the right hon. Gentleman seemed to have completely forgotten the agricultural interest, whose claims he (Colonel Sibthorp) had so long pressed on the attention of the House. With regard to the stamp duty on newspapers, he considered that the reduction of that tax would be in effect admitting that the power of the law was not sufficiently great.

Mr. *Blamire* was anxious to direct the attention of the right hon. Gentleman to the propriety of making certain modifications in those restrictions on the manufacture of malt, which were found to be so onerous and oppressive.

The *Chancellor of the Exchequer* said, that the subject was not altogether new to him, and had been already under consideration. The restrictions were in themselves undoubtedly a great evil, and only to be justified with a view to the protection of the revenue. The Ministers were as much interested in the question as any individual Member was, for when the restrictions were rigidly enforced with regard to some persons, and successfully infringed by others, the honest man would be ruined, with profit to the rogue. He should be most glad to receive any communications on this subject, and would give them his careful attention; and if the operation of the regulations could be relaxed in any way, without injury to the revenue, he would readily consent to it.

Mr. *George F. Young* was sorry that the right hon. gentleman had not thought fit to grant any relief to the shipowners, but he still hoped that the right hon. Gentleman would be disposed to take the subject of marine insurances into his favourable consideration, not only for the sake of the shipowners, but on those sound principles of financial policy on which he had acted in reference to the newspaper duty. The consequence of the present high rate of duty was, that parties were effecting their insurances in foreign countries, and the revenue derived from this source was dwindling away. With respect to the question asked by the hon. Member for Dover as to the Danish claims, he trusted that, as the right hon. Gentleman was proceeding in the path of justice to those who had suffered by the outrageous proceedings in 1807, as he had last year relieved those who had claims arising from book debts, and as he proposed this year to give compensation to those whose goods had been confiscated on shore, he would next year consider the claims of the unfortunate individuals whose ships were seized in Denmark at that period. If no other hon. Member brought forward the question, he should certainly feel it his duty to submit it to the notice of the house. He begged to ask the right hon. Gentleman whether the estimate of the claims which had been prepared, was an equitable or a legal one?

The resolution was agreed to.

The House resumed.

BISHOPRIC OF DURHAM.] Lord *John Russell* moved the further consideration of the Report on the Bishopric of Durham Bill.

Mr. *Arthur Trevor* moved as an amendment that it be recommitted. He strongly objected to that part of the Bill which totally abolished Local Courts in the County of Durham; for he believed the great majority of the inhabitants of that district were decidedly against their abolition, and he felt it his duty, in the discharge of that duty which he owed his constituents, to move the recommittal of the Bill, in order to the striking out of that objectionable clause.

Colonel *Sibthorp* seconded the amendment; he thought such an important Bill ought not to be brought under the consideration of the House at such a late hour, and with so thin an attendance.

Mr. *Pease* said, that he was decidedly in favour of the principle of this Bill, viz. the separation of the ecclesiastical from the civil jurisdiction of the county of Durham. But notwithstanding the amendments that had been introduced into the Bill in Committee, he fully concurred with the hon Member who had moved the amendment as to the expediency of abolishing the Local Courts of that district. He (Mr. Pease), however favourable he might be to the general principle of centralization, thought that, in this instance, the principle was carried too far as to the juridical powers affected by this Bill; and believing as he did that the majority of the inhabitants of the county of Durham were strongly opposed to the abolition of their Local Courts, he hoped the noble Lord would allow him an opportunity in the recommittal of the Bill to state his objections to the clause which enacted that abolition. If not, he should feel bound to support the amendment of the hon. Member for the city of Durham.

The *Solicitor General* said, it could not be contended at this time of day, that the Ecclesiastical dignitary of the county of Durham should be left in possession of those temporal powers and that temporal jurisdiction which belonged to him in former times. The only question, then, was, whether in making that alteration which the Bill proposed to effect and which on all hands, was allowed to be a necessary alteration, they should take that step which the Bill proposed to take. Now, the object of the measure was to place the county of Durham in the same situation as the other counties, and it was absurd to suppose they were doing more in the case of the county of Durham than had already been done with respect to the county palatine of Chester, and the principality of Wales. For his part, he could not understand what advantage was to be derived from the recommittal of the Bill, and he hoped it would be allowed to pass the present stage.

Mr. Alderman *Thompson* assured the House that the inhabitants of the county of Durham were greatly opposed to the abolition of the Local Courts. These Courts had been long of great advantage to the county; and although he fully agreed that the separation of the temporal and ecclesiastical jurisdiction might be beneficial, he still thought that they would be wrong if they were to deprive the inhabitants of the county of Durham of an advantage which they had so long possessed and so highly prized, especially after the dissatisfaction which it was well known the change in the principality of Wales had created. He certainly should support his hon. Friend if he persisted in moving the recommittal of the Bill.

Mr. *Goulburn* thought, that after what had passed the noble Lord ought to consent that the Bill should be recommitted. If a change were called for, that change should not be effected against the wish of the inhabitants of the county.

Lord *John Russell* said, that after what had passed he would consent to the Bill being recommitted, but in doing so he must take leave to deny that the change which had taken place in the administration of justice in England and Wales had been productive of any dissatisfaction whatever.

The House resolved itself into a Committee on the Bill.

On the 3d Clause relating to the abolition of Local Courts, being put,

Mr. *Arthur Trevor* said, that it would be his bounden duty to give this clause the most determined opposition in his power. He had presented petitions against it, and he must say that it was a gross and scandalous act of injustice to deprive men of their just emoluments, against whom there did not exist even the pretence of improper conduct. The returns on the Table of the House proved the great advantage to the county of Durham of its Local Courts, and he should therefore move that this clause be expunged from the Bill.

Mr. *Hume* understood that the removal of the present was to be followed by the establishment of other Local Courts, and if that was the case one great objection to the Bill would be got rid of.

Mr. *Pease* said, that if such an understanding existed it would decidedly obviate the objections which were generally entertained against this measure. There was no imputation against those Courts that they did not administer justice impartially, clearly, effectually, and economically, and, therefore, it would be unfair to take them away without giving a substitute for them. He, however, was opposed to the principle of centralisation embodied in this Bill.

Mr. *Harland* also expressed a hope that the county of Durham would not be deprived of the benefit of its Local Courts.

The *Solicitor-General* said, that at all events, it could not be contended that the Court of Chancery of Durham was not a merely nominal jurisdiction, or that the whole of the extensive machinery of that Court was not utterly useless to the inhabitants of that county. It would be highly injurious that after the abolition of the political jurisdiction of the Bishop, such a large and cumbrous machinery should be kept up. The legal jurisdiction should be assimilated to that of other counties; and there was no reason why the same alteration should not be made in Durham as was effected, and usefully, in Chester; the jurisdiction was quite obsolete, and ought no to be retained.

The Committee divided on the Clause.—Ayes 60; Noes 19; Majority 41.

The remaining clauses were agreed to. The House resumed.

HOUSE OF LORDS,

Monday, May 9, 1836.

MINUTES.] Bills. Read a first time:—Bastards' Wills (Scotland); Commissary Court Edinburgh.

Petitions presented. By the Earl of STRADBROKE, from the Guardians of the Poor, Ipswich, that Tenements of or under 10*l.* be liable to Parochial Rates and Burthens.—By the Duke of RICHMOND, from Brighton, in favour of the Sale of Bread Bill.—By the Earl of RODEN, from the Provincial Synod of Perth and Sterling, that the Annual Grant to Maynooth College may be withheld.—By the Earl of DERBY, from Liverpool, that the Civil Disabilities under which the Jews at present labour may be removed; and from the Parish of Whalley, in favour of Mr. BUCKINGHAM's Claim to Compensation from the East-India Company.—By Lord DUNCANNON, from various Places, in favour of the Municipal Corporations' Act (Ireland).

MUNICIPAL CORPORATIONS (IRELAND) — COMMITTEE.] The House resolved itself into Committee on the Corporations (Ireland) Bill.

Clause 1 was agreed to.

Lord *Lyndhurst* said, he had drawn up and amended certain clauses for the purpose of carrying into effect the resolution to which their Lordships had agreed when this subject was last under consideration. In bringing forward these amendments or alterations it was not necessary to detain their Lordships by any observations, the object merely being to carry into effect their Lordships' resolution.

On Clause 2, which provides for "the reservation of all rights of property and beneficial exemptions to freemen, their wives, and children," being read,

Lord *Lyndhurst* proposed three or four verbal amendments.

Viscount *Melbourne* said, the whole question, my Lords, with respect to the continuance or abolition of these municipal bodies, appears to me to turn upon this clause, because it provides for compensation to a certain number of municipal officers in every borough mentioned in the schedule. Therefore I beg your Lordships' consideration to the effect of this clause, which, in my opinion, becomes of most material consequence when the fact is borne in mind, that by Clause 5 of the amended Bill, it is intended that the several municipal bodies shall be dissolved, and that by Clause 22, it is provided that the property which belongs to these corporate bodies shall be placed in the hands of Commissioners. It does appear to me then, my Lords, that when we come to the consideration of the two last clauses which I have mentioned, you must, if you agree to them, negative the clause now submitted for your decision; because it proposes that certain corporate officers should be continued, who, by the subsequent clauses which the noble and learned Lord opposite (Lord Lyndhurst) has introduced are intended to be abolished. My Lords, in the course of the general debates which have already taken place on this subject, most of the general topics on which it is supported and opposed, have been exhausted; and, therefore, I do not think it necessary on this great and important question to occupy your Lordships' attention for more than a very short time. Your Lordships have already agreed to an instruction which has led to the amendments laid before you by the noble and learned Lord opposite. That instruction is not binding on the Committee; and if your Lordships can, on consideration, see reason for changing your determination, you are not necessarily bound by that instruction to persevere in a course which may be proved to be erroneous. Your Lordships must be too familiar with the general grounds on which your instruction is founded to make it necessary for me to do more at present than to state the general nature of them. They are, then, these—that you are establishing a different law in Ireland from that which you have passed for England; you are doing away with the municipal government to which the people of that country have been accustomed; you are depriving the Government of the assistance of a body to whom they could refer when periods of difficulty arise, and who, by their weight and authority, might afford the Government assistance; that, in fact, you are adopting a totally different and contrary system to that which you propose for England. Omitting, then, all topics which might be suggested with respect to the prudence of the course which you are taking (though that should not be left altogether out of the question), let me impress upon the minds of your Lordships the fact, that you are now about to debar the people of Ireland from those advantages which undoubtedly belong to a system of municipal government. There are only one or two points, which have been omitted in former debates, to which I think it now necessary to refer. And here I must say, that when the noble and learned Lord opposite (Lord Lyndhurst) expatiated on former occasions on the danger of establishing these local municipalities, and the frequency of election, and all the evils which were likely to arise from them, he was guilty of the most monstrous exaggeration; for though, my Lords, we may all lament that there is too much political feeling in Ireland, and that it is excited and increased by those whose duty it undoubtedly is to temper and allay it, yet I cannot think that these Corporations, which, it is admitted, will have but little power, shall create all the evils and calamities which are prophesied of their establishment. The noble and learned Lord told your Lordships that the effect of appointing such bodies would be perpetual discontent, political excitement, and violent agitation, which must terminate in civil war. I know not how it is, but the argument deduced for the dangers of civil war is found on many occasions extremely convenient; and whenever a change is to be effected in a man's political conduct, and when he is to depart from the course of policy which he has adhered to through the whole tenor of his life, then it is, that the dangers of a civil war come most opportunely to his aid and relieve him from his embarrassing difficulties. But, my Lords, I repeat that it is a monstrous exaggeration to say that these evils (which, undoubtedly, in some degree exist) would be carried to the extent represented by the noble and learned Lord in his anticipations of the effect of the changes which have been proposed. But, my Lords, there is one particular point which I accidentally omitted in what I stated to your Lordships on a former occasion on this Bill. It is with reference to the 9th of George 4th, which is relied upon as a substitute for these town councils and municipal governments. This is an Act which enables the rate payers of a small amount to assemble and perform certain municipal functions. Now, this Act happens at present to be totally inoperative, and insufficient for its purpose; and I do not see how the measure now before your Lordships, or any other, can give that Act more effectual operation. It has been adopted in only eight or nine towns; and what reason is there to suppose that it will henceforward have effect where it never yet had? How differently would the local concerns of paving, lighting, watching, and cleansing be managed by an established body, which would have the power of carrying their objects into immediate effect. But this Act of 9th George 4th, which was meant to provide for such local concerns, has never come into general operation; and we know very well, from the example of England, how totally insufficient for its object any such enactment is. My Lords, on these grounds, having already stated at length the reasons which I think should induce you to pass the original Bill, I now on general principles—on a general regard to the state of the two countries—on particular objects, and on the higher consideration of maintaining the connexion between the two countries, and on all the matters which tend to the local convenience and advantage of the inhabitants of the towns in Ireland—I call on your Lordships to reject the amendments proposed by the noble and learned Lord.

Lord *Lyndhurst* said, the noble Viscount had very correctly stated the effect of the altered clauses to which he had referred. By adverting to these clauses the whole question with respect to the principle of the Bill was completely raised. The noble Viscount had briefly stated the view which was taken of the case by him, which was similar to what he had declared on former occasions. Now, as to the points to which the noble Viscount had referred, he would only make one short observation; first, as to the 9th of George 4th, to which the noble Viscount had particularly alluded. The noble Viscount had described it as an act of no power—of no consequence—in short, as not being adopted to any considerable extent in Ireland. In making that statement, however, the noble Viscount had not applied himself to facts. Now he, on the other hand, wished to refer to the Report of the Commissioners, on which this very Bill was founded. The Report said, "This principle has been" (what?—not acted upon as the noble Viscount said, in a few instances—but) "very extensively adopted. The 9th of George 4th, cap. 82, authorizing the establishment of a resident board for these purposes, elected by and from the inhabitant householders, and the provisions of which are enforced in many corporate towns, has been productive of great advantage, and we hope that many other towns will avail themselves of that Act." As to the other points of exaggeration to which the noble Viscount had alluded, and particularly with reference to what he (Lord Lyndhurst) had said with reference to what took place at elections in Ireland, he would appeal to every noble Lord on that (the Opposition) side of the House, who was connected with Ireland, whether it was possible to exaggerate the scenes which occurred constantly at Irish elections? And if the noble Viscount would not meet him on that appeal, then he would appeal to the incontrovertible evidence given before a Committee of the other House of Parliament, which detailed scenes of tumult, of disorder, of violence, of outrage, of the most horrible and dreadful kind—scenes such as no person resident in this country, and accustomed to its decent and orderly habits, could form any adequate idea of. He would appeal to noble Lords in that House, and he would ask them whether such scenes did not frequently occur at elections in consequence of the exasperated state of popular feeling in Ireland?

The Marquess of *Clanricarde* called on their Lordships to look at the very delicate situation in which they would be placed if they adopted this amended Bill—if they adopted the very amendment which was rejected in the House of Commons. It was quite clear that the amendments contained matter against which insurmountable objections were entertained elsewhere. When they adopted this form of proceeding, they took up that very proposition which the House of Commons had most decidedly opposed and rejected. Was it not very possible that persons out of doors might take another view of this question—a view that was not taken within the walls of that House? That opinion might be erroneous, but might not individuals be carried away by the idea, that the object of those who introduced these alterations was not to amend the Bill, but to defeat it? Was it not possible that this might be felt in Ireland? He did not say that such was the case; but he feared that such an impression would be seriously felt. What was the ground on which this proceeding was adopted? There was only one argument used in favour of it by noble Lords on the other side of the House, and that was the fear of violence at elections; but was that a reason for destroying all the corporations? Why might they not have left corporations in a few places in Ireland, instead of destroying all? If this had been done, the measure would not have been felt as so great an outrage to the feelings of the people. The manner in which they were proceeding would act most injuriously on the feelings of the people of Ireland; but if they saw even a few of the Corporations retained, such an act would take a good deal of the sting out of the proceeding. What were the arguments adduced for taking this most extraordinary and mischievous course? Not one of the arguments which he had heard that night or on former occasions was good for any thing. What did the noble and learned Lord repeat to-night? He called on their Lordships to look at what the elections were in Ireland. But how did that affect the justice of the matter? Municipal elections were totally different from those to which the noble and learned Lord's argument referred; and if they admitted the truth of his argument, which he was not inclined to do, it might be a wise and powerful reason for taking from the people of Ireland the right of electing Members of Parliament, but it had no fair reference to municipal elections. But it seemed the people of Ireland were not to be allowed to take any part in corporate matters on account of their turbulence and insubordination. Was that view, he would ask, entertained at the time of the Union? Was it intended, then, to say, "These people, these Irish, are a set of uneducated, uncivilized beings; yet we will unite them with you, who really do know the nature and benefit of the Constitution, of which they are ignorant?" Was this said to the people of England or of Scotland at that time? On the other hand, was it said to the people of Ireland, "We will give you a mockery of the British Constitution." Was it said to them, "You are not fit to enjoy those institutions, you are not fit for a popular Government?" No such thing was uttered, no such thing was insinuated. They were, on the contrary, told that they were fit to enjoy a popular government. Again, was such an assertion made in 1793, when the Roman Catholics obtained a large extension of privilege—when they were enabled to become members of corporations? He should like, if he had lived in those times, to have heard such an assertion made when the volunteers were up in arms in 1782. But on all these occasions no such injurious observations had been made, no such insults had been given, as were now offered by the noble and learned Lord. They were not told that they were unfit for the exercise of popular rights in any degree. By the English Municipal Reform Bill of last year the people received a considerable accession of democratic power, and it was impossible, if the same measure of justice were not meted out to the people of Ireland, that they would not consider themselves grievously outraged. By the amendments proposed, all Irish corporate property was to be placed in the hands of the Crown. He knew that that property was not extensive. But the principle, in his opinion, was every thing; and he would maintain that never at any period had such power been given to the Crown. Allusion had been made to the conduct of the people at elections, and it appeared to him that those who most strongly adverted to it belonged to a party who would, if possible, prevent the great body of the people of Ireland from having the least possible share in electing Members to the Imperial Parliament. His noble Friend, when he moved the first reading of the Bill, had spoken of party spirit; but sure he was that there never was such a party proceeding as the present. Those who adopted the course now proposed did not boldly say that they thus proceeded on any point connected with religious views. No; they said that this course was adopted in consequence of the scenes that occurred at elections. But had not those elections been free? and if so—if they could not show that the elections had not proceeded in accordance with the voice of the people—if they could not show that representatives not esteemed by the people had been returned to Parliament—then, he would contend, that they had no right to adopt the course which they were pursuing, on account of those elections. The whole proceeding was founded on this principle, not that those who supported it cared about what took place at the elections, but because they did not like the men who were elected. The Bill would certainly be rejected elsewhere if presented in such an altered shape, but he was sure that the people of England would not, in the end, allow the people of Ireland to be deprived of the fair benefit of municipal institutions, even if the question were deferred for the present, as he unhappily imagined that it would be. He would say that the people of Ireland had, in their elections, shown a just sense of the benefits of the British Constitution, and of the rights and duties of British subjects. He might not approve of all the selections they had made, nor of much that had occurred, but it appeared to him that the people of Ireland had, generally speaking, shown as much independence as any body of men could. But noble Lords opposite did not like the persons whom they returned to Parliament. They did not think it improper or unconstitutional for noble families to return gentlemen to Parliament as the representatives of counties, though they objected to the right of the people to select such individuals as appeared to them to be most anxious for the protection of their interests. Some of those persons who were returned by noble families were not, he believed, more distinguished for their talents, their industry, and their integrity, than representatives who had been sent to Parliament under the auspices of Mr. O'Connell, or any other commoner. He could not see why a freeman, in a free country, should not use his best efforts and exert his best abilities to keep his name before the people on fair and honest grounds. Was it not the spirit of perseverance which was manifested at the Irish elections which a few years ago carried the Catholic question? Violence might sometimes be manifested, when their feelings were highly excited; but taking the Irish as a Catholic people —and they were a Catholic people—he would maintain that the elections showed that they well understood the value of useful, proper, and constitutional privileges. Would any one say, that Catholics were not as much entitled to free institutions as Protestants? He called upon their Lordships to take up the question fairly, for if that were not done in that House, he was sure it would be done out of it. These things, which he had taken the liberty to mention, were perhaps not often mentioned in that House, but it was right that their Lordships should know them, for if they acted with a party feeling in legislating for the people, their conduct would have a most serious effect upon their character as a legislative body. He thought they were adopting a course which would be most mischievous to their dignity; and if they were not provoking a collision, which was to be deprecated, they were approaching very close to it, by refusing to pass this Bill. If that should turn out to be the result, they would have to recollect that the fault was their own.

The Duke of *Richmond* thought that some parts of the argument made use of by his noble friend were worthy of consideration; and though he was not disposed to go the same lengths, he confessed he could not see why Dublin, Belfast, Dundalk, Kilkenny, Limerick, Waterford, Galway, and Cork, should not have Corporations. Corporations had been given to much smaller towns in England—towns with half the population and trade of these towns, and he did not see why they should be refused to the large towns of Ireland. He did not think, however, that they would be productive of much good in the many other and insignificant places mentioned in the schedule. This question might be considered out of doors as connected with the Catholic question; he opposed that question because he thought it was dangerous to the welfare of the country, but when the Catholic Relief Bill passed into a law, he declared that it was then his intention to maintain its principles, because it had become the law of the land, and he did not now mean to permit it to be repealed either by a direct measure or by a side wind. He should, therefore, vote for the clause as it stood, reserving to himself the power of retaining the places he had mentioned in schedule A, and striking out the remainder.

The *Lord Chancellor* remarked, that in the former debate upon this Bill the House was only partially informed of what the proposal of the noble and learned Lord opposite was, whilst on the present occason, the details of the noble and learned Lord's scheme were before them. He would now bring the House to look at what they were really expected to do—what the proposal was which they were called upon to accede to. It was simply this: they were called upon to take away from every corporate town in Ireland all its municipal rights and all its corporate property. Although this was small in amount in some places, in others it was of considerable importance and amount, and the inhabitants in all respects entitled to consideration and respect. With regard to corporate property, he thought that the same principle should be acted upon for Ireland as had been applied to England. What was it that the English Bill did? After making certain provisions and regulations for local expenditure, it left the surplus, if there happened to be any, for the benefit of the town to which it belonged; but by the present Bill the Crown was to have the sole control over all the corporate property of Ireland, and was to dispose of it, through Commissioners appointed by it, and removable by it also. He felt it his duty to call their Lordships' attention, if only to this single view of the case, and to the innumerable offices and the vast expenditure which it might be in the power of the Crown, through this Commission, to make. The corporate officers of those towns were public trustees, but if they had abused their trust in any way, was it to be argued that, therefore, what still remained of the old institutions should be removed? The Bill was brought into the House of Commons for the purpose of correcting the acknowledged evils which had crept into the Corporations, but not to destroy them. He must object to the system pursued towards the people of Ireland, in telling them that they were not to have Corporations in their principal towns—that, in fact, they were to have a system of legislation applied to them totally different from that of the other parts of the kingdom. It was said there had been outrages at some of the elections; now, if that were so, though the fact might be used against the exercise of the elective franchise by the parties implicated, he did not see how it could form a ground for depriving them of Municipal Corporations. An election for a Member of Parliament was necessarily a political contest, but it did not follow that the election of municipal officers should be so. Those outrages at elections were not, in his opinion, a reason, at least not an adequate reason, for justifying the House in depriving the towns of Ireland of Municipal Corporations, and the inhabitants of those towns of their rights as citizens. He had heard it said, and within those walls, too, "Look to the effect of the English Corporation Bill; see what has been the result here; and shall we extend the same system to Ireland? He confessed he saw no reason why they should not extend it to Ireland. He did not know why the people of that country should not exercise the right of electing their municipal officers, and of popular control over the funds which belonged to them. Where was the force of the appeal to the English Corporation Bill? Where had been the riots and confusions, and inconveniences which might be supposed to arise in Ireland? Where had they arisen in England? He warned their Lordships not to deny the Irish people their rights, for, being a people highly sensitive upon this point, it was not easy to calculate what would be the effect of that denial. The people of Ireland would find it difficult to understand why they were allowed to choose their representatives in Parliament, and were yet to be deprived of Municipal Corporations. He called on their Lordships to hesitate before they decided upon pursuing that course.

The Earl of *Haddington* would not follow the noble and learned Lord who had just sat down through his entire observations, but would admit at once that the people of Ireland were entitled to equal rights and justice, for that was the very principle upon which he and his noble Friends acted in opposing what they considered to be a great and fundamental change in the Municipal Corporations of Ireland, without being a reformation or improvement. It had been said, that the Corporations of Ireland had been exclusive in their character; he admitted it, and he admitted also, that there was much justice in the complaints which had been made against them. That was the very reason why he and his noble Friends said those Corporations ought no longer to exist. The difference between the noble Lords on his side of the House and those on the other side, was this—that, whereas the latter concurred in wishing to replace those exclusively Protestant bodies by exclusively Catholic bodies, the former concurred in the view of doing equal justice to both Catholics and Protestants, and, therefore, it was better far to take away the torch of discord, and say, that these Corporations should cease to exist altogether. They had been reproached by the noble Marquess on the other side for proceeding by way of instruction, which the noble Marquess said was pursued in the House of Commons, and, as he might very well have argued, the proposal there was to make a very great and fundamental change in the Bill. He was not aware whether that was intended as a charge against them, but if so, he would reply, that he and his noble Friends had pursued the most convenient course, because the changes proposed to be made in the Bill were very extensive. The proceedings of the other House, however, had no influence on the course pursued in that House, although it might have a right to express its opinion upon the result. Some noble Lords opposite had opened rather a new field. The Bill proposed to leave all the old Corporations of Ireland, and to create some new ones; the amendments went to do away indiscriminately with all Corporations. Those noble Lords had said they were ready to do away with the minor Corporations, but that there were some great towns in which Corporations ought to be left. Now, there was a very glaring inconsistency in this course. Where was the equal justice of it? Was that the way they had proceeded with regard to England? If not, ought they to deal so with Ireland? Was that the cure for agitation? No doubt, if the noble Viscount's Bill passed into a law, the lay and clerical agitators would take possession of the municipal property of these new Corporations, and, concentrating all their strength there, render them the strongholds of agitation. By passing that Bill, they would be legalizing a sort of Parliament for the very purposes of agitation, and establish a permanent kind of Catholic Association; and what would be the consequences to the peace and the government of the country he would leave their Lordships to imagine. Great fault had been found with his noble Friends, as having exaggerated the effects of the riotous elections in England. His noble and learned Friend (Lord Lyndhurst) had directed the attention of the House to some authorised documents, upon the details of which it was unnecessary for him to enter, which proved the extent of the mischief done at those elections. But could it be at all doubtful that the effect of this very last attempt to restore peace to Ireland would be to encourage agitation and confusion at future elections? And might they not lament the proceedings which took place at the elections in Ireland, not because certain men might be returned, but because the freedom of election did not exist there? The right of electing representatives in Parliament might be considered as the life-blood of the Constitution, but that could not be said of Municipal Corporations. Already the people of Ireland seemed to exercise their full share of power in the other House, but he was not desirous of joining those, if any there were, who wished to deprive them of their constitutional rights. At the same time he did not think it necessary to provide, not power for the people, but power for those who deluded, and goaded, and agitated them to make demands beyond their necessities. Those men already possessed enough of that power, and exercised it to a lamentable extent. Was it necessary for the House to add to the means of agitation? They were told the other night, that they could not stop agitation; it must go on. If so, why should they give a premium to agitation by passing this Bill? If they were called upon to protect the people of Ireland from agitation, let them do so by rejecting the shadow of municipal rights, for it was not against the substance that he and his noble Friends were voting. He had never spoken disrespectfully of the Catholics of Ireland. It could not be denied that most of the agitators were Catholics, but it would be unjust to charge upon a people that which ought to be charged upon a few only. With respect to the mass of the Irish peasantry, he was sure that thousands of them would rejoice if they were delivered from that system of agitation and intimidation which was inflicting misery and destruction upon them and their neighbours. Let it not be said, that any jealousy of Catholics or narrowmindedness influenced their course upon this occasion. No, it was because those who urged them on, and goaded them to destruction, and led them as far as they could to ask for the Repeal of the Union or its equivalents, and they were not slow to declare what were their equivalents; they were this Corporation Bill, which was put in the very front of the rank, and then such a Church Bill as would insure to the people of Ireland—ay, and to England too, that voluntary system by which nobody should pay any thing to the support of religion unless they pleased. These were the objects which they sought, and this Bill was one of the means by which it was attempted to obtain them. This was a most important question; he would not enter further into it, but it certainly was one of the deepest importance to the peace of the country and the integrity of the British empire. He knew that, decide the question which way they would, in reference to that unhappy land, it was an alternative. He had no hesitation in admitting that; but on comparing the two plans, he would say, adopt the one, and you are upholding all those mischiefs which may end in the ruin of the empire; but pursue the other, and you are laying the foundation of the future peace and security of the country.

The Marquess of *Conyngham* remarked, that it could not be said that Irishmen asked for any thing unreasonable, when they demanded municipal reform. The only question he thought ought to be this, how is such reform to be carried into effect, so that it may be a full, efficient, and satisfactory measure — so that the people might have the local control over their own property in such municipal institutions as were given to them? Their Lordships had given an efficient reform to England—they had given a bóon of equal importance to Scotland; could they, then, expect that Ireland would be satisfied with less. They were told that there was a broad line of separation, a marked distinction to be made between the mode in which justice was to be conferred on England, and doled out to Ireland. Did they expect that Ireland would remain contented under such an indignity? Did they not proclaim to the people of Ireland that they were unworthy of managing their own affairs? He totally denied, that there was any unfitness or any unworthiness on the part of his countrymen. The chartered Corporations might have abused their trust; but, as an Irishman, he protested against any distinction being made between the two countries so unjust as that which he referred to, and which was now proposed to be made. Let their Lordships make any such distinction, and it would be anything but satisfactory to the people of that country; it would do anything but promote peace and tranquillity in Ireland. His Majesty's Government had introduced a Bill based upon justice —a Bill which sought to regenerate and not to destroy Corporations. The noble Lord had, on the other hand, introduced a Bill which "out-heroded Herod"—a Bill which swept away even the names of Corporations from the face of Ireland. If one thing more than another could tend to increase the influence of Mr. O'Connell—if they could do one thing more than another to give strength and energy to agitation and to agitators—it would be doing this. When he talked of Mr. O'Connell, he did so because that Gentleman had been so frequently alluded to by noble Lords opposite—he did so, because there appeared to be a determination on their part to refuse any measure which that Gentleman supported. Now, if on the present occasion, their Lordships did this—if they refused that measure which was now proposed, then they gave to the people of Ireland a cause, a legitimate cause, for complaint. Irishmen had obtained civil and religious liberty; would, then, their Lordships now turn round upon them and say they were unworthy of municipal reform? Was that the way to conciliate them? Why, their Lordships were holding out a premium for agitation. They were compelling the people to change their language from that of entreaty to complaint, and from complaint to menace. What carried emancipation as it had been carried? Ireland was not satisfied—the country was agitated from one end to the other—necessity at length compelled them to yield to the demand made upon them. They resisted until gratitude was not felt for the concessions made. Let them depend upon it that the most effectual check to agitation was, to do equal justice to Ireland. In common with his fellow-countrymen he suffered from agitation. The more they dealt out justice, the more was tranquillity secured and agitation depressed. The most certain way to increase peace and promote tranquillity was, by assimilating the laws and institutions of the two countries. For this reason, and this reason only, he implored of their Lordships to hesitate before they came to the conclusion of rejecting the Bill that was now submitted to them; before, too, they sought to fix a stigma upon Ireland, by declaring that, though her people had obtained civil and religious liberty—though they had the power of sending Members to Parliament—yet that they were not to elect a mayor or a town council, or to look to the management of their own affairs. He begged pardon for thus trespassing upon their Lordships. He really had no intention of rising; but he could not help protesting against their Lordships doing an act of injustice to Ireland, which he assured them would be felt from one end of that country to the other.

The Marquess of *Londonderry* said, the noble Lord opposite had talked of even justice; would it be even justice to abstract these Corporations from the Protestants and to give them to the Catholics? He confessed he could not but look with jealousy at these Corporations, conceiving, as he did, that they would give rise to a

Roman Catholic ascendancy, and if this increased power were put into the hands of the Catholics, what, he would ask, would their next object be? Such, he was afraid, as would place those individuals who were possessed of property in that country in a very alarming position. By the Bill proposed by the Government, the Corporations were thrown into the hands of the Roman Catholics, and without doubt they would have a representation, not part Protestant and part Roman Catholic, for even the lay Catholic would not have power to arrest the influence of the priest, but throughout the country they would have an entire representation of Roman Catholic priests. Now, was that a state of things for any noble Lord having property in Ireland not to be desirous of preventing? Was it a state of things that the noble Marquess (Conyngham) would support? With regard to the undue influence which priests and agitators could exercise over the people in that country, he would read an extract from the evidence of Mr. Fitzgerald, a magistrate of the county of Tipperary, given before the Select Committee on bribery and intimidation at elections. He was asked—"As far as you know of the political power of the priests, and the objects they seek to attain, do you not suppose that they would seek to make use of their influence in any way they can to promote their political objects?—I do. Do you not conceive that the tithes of Ireland have given rise to a great deal of excitement, and have been among the motives for the active exertions of the priests, which you say have greatly augmented in the last three or four years?—I think the question of tithes has been made very much a stalking-horse with respect to the agitation of the county in which I reside; tithes form a prominent question. With respect to the tithe system being the cause of the extraordinary extent of outrage in my county, I think that I am prepared to prove that it is not at all an exciting cause." That was to say there were other causes equally exciting in which the priests interfered. He would now read a portion of Mr. Singleton's evidence. That Gentleman was asked—"From what you have seen of England and the north of Ireland, and have read of other countries, do you conceive that such a state of society exists in any other part of the world?—No nor would it be there except for the deep organization and confederacy of the people. So you consider that this organization is such, that at any moment it may be employed either for the objects of an election or for any popular purposes to which it might be applied under the direction of their leaders?—Yes. Is it parochial organization?—I think it is parochial, extending to the county or to counties. Who is the leader of that parochial organization?—Persons residing in the parish having the influence and direction of the persons in it. Who are those persons; any particular class of persons?—I should say the middle classes. Who have effected these organizations?—The same class of persons. There is no class of persons to whom you attribute this sort of organization of the Roman Catholics in the country?—Yes, to the letters of different persons. Of whom?—Daniel O'Connell, Esq., and the former Roman Catholic Archbishop of Carlow, Dr. Doyle, and gentlemen of that class. You think the Roman Catholic clergy of Ireland are instrumental in carrying that organization into effect?—Yes. What is that organization for?—For any and many political purposes. When you state those to be the objects of this organization, on what authority do you speak; how do you come to know the objects of the organization?—From my experience as a police magistrate, from frequently having examined persons upon oath, taking informations, and from the result of prosecutions. Do you consider that this organization, such as it is, is capable of being directed to the carrying of any object that might be considered desirable by the leaders?—I do. Do you consider, for example, if it became expedient to make the people call out generally for the Repeal of the Union, it would be possible to make this organization bear upon that particular point?—Yes." Now he would not trouble their Lordships by reading the whole of this important evidence; but he conceived he had read a sufficiency of it to show, that they should not vote for that increase of power which the Bill before them would bestow upon the Roman Catholics of Ireland. He at least should enter his most solemn protest against the Bill, as it was introduced by the noble Viscount, and, if he had his choice he should prefer having it negatived in the House of Commons to adopting it as presented to their Lordships' House.

Lord *Hatherton* entirely concurred in the accuracy of the noble Marquess's description of the evils that have flowed, were still flowing, and were likely to flow, from organization and intimidation, for the purpose of conducting elections in Ireland, but he thought it was the natural growth of their (the noble Lords' opposite) own injustice, and that until they should be prepared to do full and ample justice to that country, there would be no possibility of extinguishing the system complained of. It was to the observation of the noble Earl who had spoken last but two (the Earl of Haddington) he was desirous more particularly of applying himself. That noble Lord's argument, and it had been urged in a former debate upon this question, was, that a system of exclusion would be the result of the Government measure—a declaration which came with a bad grace from that side of the House. The noble Lord was, no doubt, an ardent friend of the Roman Catholic body, and as such was entitled to be exempt from suspicion or censure; but let the noble Earl not forget that nineteen out of twenty noble Lords who sat behind him were not of his way of thinking on that subject, and they felt that it was from the old Irish Corporations they derived their principal support. That House had never heard any complaints of exclusiveness or agitation as long as it was in the right direction. But was ever a Corporation more exclusive than the Corporation of the city of Dublin, or more distinguished as a school of agitation? and yet they had not heard any of those noble Lords declaim against it as long as there was anything to be gained by it. If the English Municipal Bill had not rendered it necessary to take notice of the Irish Corporations, would any noble Lord have taken notice of them? For centuries they had been considered as citadels of strength by the party to which he was alluding. For centuries past down to the other day, the Government of Ireland had been carried on for the interest of that party—for the interest, he might say, of a few families; but no sooner was it proposed to purify those Corporations, than they were denounced as a dangerous nuisance—and, acting upon the feeling of the great majority of the people of that country, as a monstrous principle of exclusiveness. He was, and always had been, impressed with the conviction that the Government of Ireland by local Corporations was one eminently suited to the constitution of the country. It had been stated by a noble Lord, "that the same measure in the same form was not always suitable to Ireland and England; that the difference in the condition of property," he quoted the noble Lord's own words, "the wide difference of religious faith in the two countries, rendered it utterly impossible to apply the same measure in the same form to the two countries." Now, this question was peculiarly applicable to that principle; but he begged to know how long noble Lords intended to stand by that principle? Did they act upon it last year when the Irish Church question was brought forward for their consideration, and would they act upon that principle when the same question would be again submitted to them? He admitted that the same measure in the same form would not answer for the two countries, owing to the difference in the state of property, and the wide difference that existed in the religious persuasion of the inhabitants; and for that reason separate and distinct measures had been introduced for Ireland. From the time of the Union up to the present no effort had been made—and it was a disgraceful thing to have to recount—to conciliate the people of that country, or to endeavour to unite them under one system of government. Thirty years had been allowed to elapse from that period down to the accession of Lord Grey's Administration, during which the Irish people had reaped no benefit whatsoever from that Union. They had, indeed, with the aid of the Liberal party in England, forced open the doors of Parliament, but that advantage had remained fruitless not having brought with it either patronage or power; and he was satisfied that, until they extended to Ireland the same institutions which this country enjoyed, they never could unite them under the same Government.

The House divided on Lord Lyndhurst's amendment, when there appeared—

Content 107; Not-Content 53; Majority 54.

The 3rd clause was agreed to.

Clauses 4 to 9 inclusive were struck out of the Bill.

Clause 10, being the 4th clause in the amended Bill, was agreed to as amended.

Clauses 11 to 21 inclusive were struck out of the Bill.

It was proposed that the 22nd clause (as follows) be struck out of the Bill:—"And be it enacted, that in every borough shall be elected, at the time and in manner hereinafter mentioned, a certain number of fit persons, who shall be and be called 'the alderman' of such borough; and a certain number of other fit persons, who shall be called 'the councillors' of such borough; and one fit person, who shall be and be called 'the mayor' of such borough; and the number of persons to be so elected councillors of such borough shall be the number of persons in that behalf mentioned in conjunction with the name of such borough in the schedules A, B, and C to this Act annexed; and the number of persons so to be elected aldermen shall be one-third of the number of persons so to be elected councillors; and such mayor, aldermen, and councillors for the time being, or so many of them as shall at any time be elected and have accepted the offices shall be and be called 'the council of such borough.'"

The Duke of *Richmond* objected to it, as it was by this clause aldermen and councillors should be appointed in towns named in schedules A and B. He could not see why Corporations ought not to be given to large towns. He would not give them to small towns, for he did not think that Corporations were required in small towns, either in England or Ireland. But he felt that in Dublin and other great commercial towns there could be no danger in giving to the people the management of their own affairs. He felt quite satisfied that these Corporations were the strongholds of Protestantism in Ireland, and in that case would noble Lords, he would ask, vote for their destruction? If they were the strongholds of Protestants, surely it was not for passing a Bill as an amended Bill that they ought to put an end to such Corporations. If they did so, it would, he could tell them, be taken with avidity—agitators would thank the House of Lords for destroying such Corporations, and for which they would be much obliged to them. Sincerely believing, as he did, that no mischief could follow from having Corporations in the large towns, he should object to the clause being struck out. He should propose a motion to the effect of giving Corporations to the large towns either on the Report being brought up, or upon the third reading. [Viscount *Melbourne:* Move it now.] He would in the first place oppose the clause being struck out.

The Marquess of *Lansdowne* felt, he said, so much the importance of this clause—it was one which so materially affected and involved the principle of the Bill—that it was impossible for him to give a silent vote upon it. The clause was one that he was most anxious to retain. The noble Earl had imputed inconsistency to those who were anxious to retain in the smaller towns Corporations. Now though it was admitted that, in the smaller towns, Corporations were not to be retained, yet at all events, to those who desired to see them in the great cities in Ireland, the same objection could not apply. In those great cities there existed a higher quality of voters as contrasted with the lower. In those great cities there existed large corporate funds, instead of there being, as it was said of the smaller towns, no corporate funds. He and his noble Friends were anxious to respect corporate rights in Ireland—to respect ancient corporate property, and which, for the first time, that House was now invited to invade; an example which, he could tell that House, would not on a future occasion be forgotten. He was anxious to do this, for the purpose of keeping alive the corporate principle, of preserving property in the hands of persons competent to manage it. But the noble and learned Lord had in an authoritative manner assured them that the people of Ireland were incompetent to be intrusted with the election of those who were to manage such property—that they could not be intrusted with such power, either with safety to themselves or safety to the country; and yet by some fatality, at the very time that the noble and learned Lord pronounced a general sentence of incompetency against a whole people, the noble and learned Lord called their attention to the 9th George 4th, which was an Act of Parliament by which such matters were provided for, and that too by popular elections in that country. When the noble and learned Lord said, that the Act in question had been extensively applied, the noble and learned Lord urging that as an argument for getting rid of the corporate jurisdictions in Ireland, could the noble and learned Lord tell them of one single instance in the course of the extensive application of the Act, in which the popular elections under it had been improperly conducted? Why, what did that fact prove? what was the deduction from the noble and learned Lord's admission? Did they not see that here was a system of popular election which might be applied to the existing state of society in Ireland? They thus had evidence on the one side in favour of popular elections, while there was no evidence on the other opposed to them, because to make out such a case it must be shown that the corporate elections would be of a different character; and before that could be their Lordships' decision, they must be called on to assume that the people of Ireland were incapable of choosing proper persons to conduct their own affairs—to administer their own property. The noble and learned Lord had abstained from telling them what was the amended title which he meant to give to the new Bill. The former title must be altered. That described the Bill as being one to regulate the Municipal Corporations of Ireland. To "regulate" them the noble and learned Lord did not mean. To call his Bill a Bill to "amend" the Corporations would be absurd, and the noble and learned Lord had not yet found the courage (so we understood the noble Marquess) to call it a Bill to abolish them. But what was the real title of this Bill, which ought to be perfectly and distinctly described? It was a Bill for the purpose of vesting in one man—for the purpose of vesting in the Lord-Lieutenant of Ireland—all the privileges and all the property of the Corporations of Ireland. No one could suppose that the Lord-Lieutenant of Ireland could administer that property himself; every one would admit that he must have agents; but all that it was necessary to do to vest the power entirely in him was to provide, as the noble and learned Lord had provided, that the persons appointed to administer the property should not be responsible to the people, but responsible to him, and to him only, and that they should be removeable at his pleasure. Why, could any machinery be contrived of a more exclusive character for the purpose of making him sole master of the whole amount of that corporate property? That power was vested exclusively in him, and yet the noble Earl told them that the principle had for its object to prevent exclusion. Many of the towns in Ireland were exceedingly populous and exceedingly opulent, and yet an attempt was made to persuade their Lordships that there were not to be found in them persons capable of governing the Corporations. He was confident that if their Lordships adopted the course which was recommended to them by the noble Lords opposite, they would take a step which they would soon wish to retrace. It would have the effect of separating every one of these towns, and of laying the foundation of complaints which were not the less likely to be actively and constantly proclaimed, because they would be derived from a perpetual comparison of their condition with the state of other towns in England, with respect to which they had proceeded on a principle distinctly opposite. It had been said that the whole amount of this property was small. There had been all sorts of arithmetical calculations for the purpose of satisfying their Lordships how exceedingly small it was; but was there nothing in principle? And then did their Lordships forget, that though this property certainly was small, it was so owing to the mal-administration of the corporate funds? Mismanagement had made the funds small, but by good management they might become largely productive. Their Lordships were about to confer a power in the Lord-Lieutenant of Ireland, which he was sure he might say that the present Lord-Lieutenant of Ireland would be one of the first to disclaim. That noble Lord would be one of the first to feel he ought not to have the power of administering for local purposes that which he could not so well administer as could the persons who were locally interested. This was a proceeding in the inverse ratio of civilization. Of the government of Austria he wished to speak with respect, but he thought it no disrespect to say of that government, that it had the reputation of being perhaps the most cautious government and the most apprehensive as regarded the effect of any charge. Even the government of Austria had—he would not say introduced, because it had existed before—but had extended and conferred municipal government on the very ground alleged in this case, that it was the greatest benefit that could be conferred on the people, and the one most likely to prevent them from mixing in the disorders and embarking in the courses which were hostile to the government of the State. In concurring in the motion of the noble Duke, he did so in a disposition to meet certain noble Lords in this House in a spirit of fair deliberation—he would not call it compromise—he did so because he felt that, with regard to these particular towns, there could not be, in his opinion, a question as to their being entitled to the enjoyment of a continuance of the privileges which it was proposed by this Bill to preserve. He would at the same time declare, that against the total extinction of municipal institutions in Ireland—against an authoritative declaration from this House to the people of Ireland, that in this House the people of Ireland were thought unfit for all the purposes of local government, he must enter his most solemn protest in the strongest terms that he could express it. Such was the opinion he entertained now—such was the opinion he should adhere to, and he trusted it would be adhered to by all those who felt an interest in the success of this great measure.

The Duke of *Wellington* said: My Lords, I am not inclined to depart from the principle of the alterations proposed some time ago by my noble Friend in a resolution of instruction to the Committee. The noble Duke calls upon us to retain this clause in the Bill, with a view to preserve in Ireland a certain number of the larger Corporations. The noble Marquess who has just addressed your Lordships had argued the question much in the same manner as the noble and learned Lord who spoke about an hour ago, and as other noble Lords have also done, solely and simply as if it were a question of the preservation of the property of these Corporations. By the Bill originally proposed the Corporations, large and small, were deprived of all privileges except those of electing a mayor and administering the corporation property. But besides this they had been given certain power of taxing the several towns committed to their charge, which privilege the corporators did not before possess, which privilege was certainly not conferred on the Corporations in England, or certainly not in the way in which it was proposed to be conferred on the Corporations in Ireland. My Lords, I do not hesitate to say, that a more tyrannical Bill than this was never yet introduced into Parliament, nor greater powers ever conferred than those which it proposed to confer upon the new Corporations in Ireland. Now, let me take the case of the city of Cork for instance. There the election would be in the 10*l.* electors. The corporate assembly would consist of persons possessing property to the amount of 1,000*l.*, and who had been chosen by the 10*l.* electors. This body would have the power to levy rates on the inhabitants, not in the manner in which the county rates are levied, as provided for by the English Bill, but according to the principle of the 9th of George 4th, c. 82, which levies on the man who occupies a house worth 5*l.* a year and upwards, but under 10*l.*, 6*d.* in the pound; on the occupier of a house worth 10*l.* and upwards, but under 20*l.*, 9*d.* in the pound; and on the occupier of a house of the yearly value of 20*l.* and upwards, a shilling in the pound. This was the oppressive power of taxation which this Bill proposed to confer. A list of those who would have the election of the corporate assembly was to be furnished in the first instance by the churchwardens, and subsequently by the town clerks, but they would have as little to pay to the corporate property as if they lived in the city of London. These are the people whose rights we are said to be destroying. Your Lordships have been told that, having granted a measure of corporation reform to England, you are bound to give a similar measure and to act on the same principles towards Ireland. But, my Lord, is there no difference in the relative circumstances of the two countries? What is the reason that we have been called upon to pass measures of a very painful nature towards that country, and which have never been demanded by the circumstances or condition of this country? Has not the whole history of Ireland, and all that has been stated of it by every Lord-Lieutenant and Secretary who has been successively connected with that country, proved that not only was the condition of that country essentially different from England, but that you could not establish the same system for the two countries? Have you not even established in that country a totally different scale of taxation from that established in England? Seeing, then, the state to which the Corporations of Ireland would be reduced by this measure—seeing that nothing would remain of the existing Corporations but the property, and the necessary consequence of the measure would be to establish another exclusive system on the ruins of the present exclusive system, which the Bill proposed to abolish—I certainly never can consent to the establishment of such a system without feeling the strongest apprehensions for those who would be obliged to live in those towns in which you would purpose to establish this oppressive system. As to the evils of the present corporate system of Ireland, I believe more has been said of them than was really deserved. In many of the towns where this exclusive system existed, individuals have accumulated great wealth, and the system so much complained of has not prevented this from taking place. But, supposing that these complaints were well-founded to the fullest extent, I contend that, in proportion as these Corporations may have misconducted themselves, it is the duty of a wise legislature not to throw power immediately into the hands of an opposite party, who would, most probably, apply it to the purpose of avenging the past. I cannot consent to this revolution of power from the hands of one set of men into those of another and opposite party. I do not see any reason whatever for effecting such a change, unless to gratify the ambition of some at the expense of the interests of all. I do not think it necessary for the beneficial management of the property that it should be in the hands of the town-councils; for it appears to me that Commissioners appointed under the clause proposed to your Lordships, would administer the property as usefully and as efficiently as the town-councils. It is true that the property would not receive the augmentation from the system of taxation proposed by the Bill now under consideration. That system of taxation would be in the hands of another set of persons equally elected by the people, but under a different system, and which would be most for the benefit of those who had the tax. On the whole, when by the unanimous consent of all parties who have taken away all the privileges possessed by the existing Corporations, except the election of the mayor, and the management of the property, I cannot alter the opinion I have already expressed, and think it best to follow up the proposition which was originally proposed to your Lordships in the resolution of my noble Friend.

The Marquess of *Clanricarde* begged to ask what was the nature of the tyrannical power of which the noble Duke had spoken? The town-councils were to be elected by the people, and having been so elected, they were to have the right of levying certain rates upon the people. The system then was one in which the people were to have a control over the management of the funds raised amongst themselves for their own benefit, and that was described by the noble Duke as a tyrannical power. If there was the least force in the arguments of the noble Duke then the House of Commons was a tyrannical institution, and all elective Governments were tyrannical powers. When the people were misgoverned by a small minority the noble Lords opposite did not charge that with being a tyrannical system, but when it was proposed to improve the condition of the people it was said no, they were not fit to be intrusted with more power. What was the course which had been pursued? First, the people were misgoverned and the progress of civilization was arrested, and then, when it was recommended that they should have extended to them the advantages of good government, it was said that it would not be safe to trust them. Thus they argued in a circle in favour of continuing the old system of oppressions. He recollected that the same course of argument was adopted when the abolition of the slave-trade was recommended. He lamented as much as any man the passing of those Acts adverted to by the noble Duke as restrictive of the liberties of the people, and he never heard of a Minister who did not regret the necessity for imposing them. The noble Duke should bear in mind that all such Acts were always said to be, and, in fact, were the exceptions, but it was proposed now in legislating for Ireland to make a similar principle the rule.

Lord *Ellenborough* said, that the 9th George 4th gave to the majority of the householders who chose to adopt its provisions a right of electing Commissioners, who would have the power of taxation for the purposes of carrying that Act into effect. In most instances the majority of the rate-payers had refused to adopt that Act. In one of the great towns of Ireland they had not agreed to adopt that Act. When, then, he found the majority of the people, having the power to avail themselves of that Act, refusing to do so, he considered that to force it on them, and compel them to adopt a system of taxation to which they were adverse, was an exercise of tyrannical power.

Lord *Holland* was surprised at the sentiments which he had heard from noble Lords on the opposite benches. Were they to be told in England, with its Representative Government, where the people had the power to tax themselves, that to grant such a power was to establish a tyranny? And to tax themselves for what? For their own advantage and their own concerns. He repeated, he was astonished at the speech he had heard. He thought he had been living under a free representative popular Government; one in which the people had a large share in the transaction of their own business—a Government including three great kingdoms, England, Scotland, and Ireland. Every one of the speeches which he had heard to-night from the noble Lords opposite, had for their object to show that one great third of this empire was unfit, was incapable, of being governed by a popular, free, and elective Constitution. It had been said, also, that the Bill would have the effect of substituting one exclusive system for another. An extraordinary signification might be given to the word "exclusive." He thought it meant that which kept out a great body, and admitted only a part; but, according to the interpretation of certain noble Lords, it appeared that the principle which admitted the whole was exclusive. If one-eighth was kept out, and seven-eighths were admitted, that was termed exclusion. ["*Hear, hear,*" *from the Duke of Wellington.*] "Hear!" said the noble Duke. What was his meaning? Did he think that the whole notion of free Government was founded on false principles? The manner in which the noble Duke cheered, and his whole course of argument, proved to him, beyond a doubt, that such were the opinions entertained by the noble Duke. He thought that for the majority to have power, particularly if they conscientiously differed in religious sentiment from the minority, that was exclusion. What was that but being opposed to the principle of free Government. If there happened to be a majority one way, was public opinion to prevail, or was it not? Yet if it did, the noble Duke said, it was exclusion. Public opinion might be wrong, it might be tyrannical—he did not deny that a majority might be tyrannical; but for the majority to have the power was the principle of a free Constitution—a free Constitution could not exist without it. That he would maintain in the face of the noble Duke, and in opposition to any writer or speaker on political subjects. He denied, however, that the Bill did give that exclusive power; it made no distinction between Protestant or Catholic, Orangeman or Repealer—it gave to the people of Ireland that which was their own. It was now proposed not to abolish all the Corporations, and it was thought, under the circumstances, it would be most wise to support the amendment now before their Lordships. He preferred the Bill as it originally stood, but nevertheless he must admit, that in point of judgment, wisdom, and justice, there was a material difference between the amendment and the motion, which otherwise stood for the consideration of the House. By voting for the motion of his noble Friend, their Lordships would possibly give to two or three towns in Ireland a more democratical form of Government than they thought advantageous, but that was the full extent of the error which they would commit. By adopting the other motion, and saying to the people of Ireland, "You are unfit for popular elections," what a strange and pregnant principle would they not act upon! Would they address Ireland in such language as this—"You are unfit to be trusted—we not only will not give you that which we have given to Scotland and to England—not only do we think that you are not ripe to enjoy the fruits of free Government, and that England and Scotland were—not only do we think that, but we do not see any prospect of your ever becoming so; we will not give you a chance—we say, that you shall not go into the water because you cannot swim, and we wish to confine you on the dry strand eternally, in order to prevent you from trying to swim." The noble Duke said, any one must be blind not to see the difference between the two countries; if they legislated for Ireland on principles opposed to those on which they legislated for England and Scotland, he would not say, that they would exhibit their ignorance, but he was sure they would find Ireland in a situation in which they could not mean to place her. They were bound to legislate for her as a part of the empire, and as a part she was entitled to free representative municipal institutions, which, he would contend, were singularly adapted to the state of Ireland. The influence of the priests was dreaded; but could it be supposed that to raise men in a humble station to offices of some little distinction would have the effect of materially adding to the influence of the priests? So, again, with regard to the agitators, he thought he could prove that nothing was so short-sighted as to fancy that by shutting out the "agitators," they destroyed their influence. The real method of rendering powerless those who were carrying on that species of legitimate warfare against them, would be by adopting the principles of this Bill; to reject it, would be to show a disproportionate degree of suspicion and distrust of the Irish people, and not to extinguish that evil of which they pretended to be in such a state of serious apprehension.

The Duke of *Wellington* begged to assure the noble Lord who had just sat down, that he regretted having interrupted him, and the rebuke which that interruption drew from the noble Lord occasioned in his mind no unpleasant feeling towards him; on the contrary, he was glad to hear it, for it involved a precept which he hoped the noble Lord himself would hereafter observe. He hoped that in future the noble Lord would listen with patience to others, and not be guilty of interrupting them in the sort of way for which he (the Duke of Wellington) had then to apologize. He begged then to explain what he had said on the former occasion. It was this—that the effect of the Bill, unless it was modified, would be to give to a certain class power over the property of another class, for the mere numerical majority were not the owners of the property of the country; that he would call tyrannical. It was the giving exclusively to one description of persons the power to do almost as they plesaed with the property of another description of persons.

Lord *Holland* requested the noble Duke distinctly to understand that he meant not to convey any rebuke whatever, not even the least complaint, of what had occurred. The cordial cheers of his Friends were certainly most gratifying—to excite the notice of his opponents was the next best —anything was better than not being listened to. He always liked to have cheers, if not from the one side, at least from the other.

Lord *Lyndhurst* said, he felt it necessary to throw himself on the indulgence of their Lordships for a very few minutes, in consequence of the observations which had been made upon the course which he had taken, by the noble Marquess opposite. The noble Marquess complained, that he should propose amendments without having stated what the title of the Bill was to be. But had he (Lord Lyndhurst) not told their Lordships all that it was possible for him, at the present stage of the measure to tell? The House adopted a certain resolution, which was imperative on the Committee. He, in order to facilitate the business of the Committee, had taken upon himself to make such motions as were requisite for carrying that resolution into effect, and though under no obligation to do so, he had drawn up certain amendments for that purpose. The noble Marquess must well know, that in Committee it was always the practice to postpone the preamble of the Bill, and it likewise was a matter of course to postpone the title of the Bill until all the amendments were disposed of. The House must see that it would be impossible to state the title until the character of the Bill was ascertained. At the proper time, then, he should submit for their Lordships' consideration a title corresponding to the amendments that might be made. The noble Marquess, no doubt unintentionally, had quite misrepresented the tenor of his observations—they applied to the noble Lords in that House who were connected with Ireland, and to the evidence which had been given before the Intimidation Committee. He stated some facts from that evidence, and he adverted to some particulars which must come within the knowledge of those noble Lords. Upon that a charge was founded, that he intended to strip Corporations of their property. What foundation was there for any thing of the sort? The existing Corporations in any case, whether the Bill were amended or not, would be deprived of their property. And who in future was to administer that property? The Bill before the House was recommended to their Lordships because under it there must be in future nothing but equal justice. He had no difficulty, however, in saying, that the operation of the Bill, if it were left as introduced by the noble Lords opposite would produce effects as far as possible from equal justice. The application of the same principle or rule to different places must produce dissimilar results, and could not lead to equal justice. It was, in fact, as unjust as the practice of the Grecian tyrant, who stretched some victims, and curtailed the proportions of others, to suit his unvarying standard. In what position was Ireland now placed? One-fourth of her inhabitants were English by descent, English in their habits, English in their usages, Protestant in their religion, and unalterably attached to English connexion; they were a minority standing now on their own defence. If ever there had been a minority standing on their own defence, it was the Protestants of Ireland. They had to contend with a population alien to Englishmen, speaking, many of them, a different language, professing a different religion, regarding the English as invaders, and ready to expel them at the first opportunity. Such was the state of Ireland, and in legislating for such a country noble Lords opposite were under the necessity of giving up their own propositions, and in many respects modifying their own Bill; but the measure required to be still further modified. With these considerations before their eyes, it did appear incomprehensible how noble Lords could suppose that a country could be legislated for on the same principles as England, when they themselves admitted that Ireland required the application of such measures as the Coercion Law and the Constabulary Act. But the measure before their Lordships was recommended as comprehensive and anti-exclusive, and that it must prove so because there had been a profession of assimilating it to the English Corporations Act. If the results were even in a slight degree similar, the present measure must be as exclusive as its most strenuous opponents anticipated; for the English Bill gave to the new Corporations in this country a character quite exclusive, limiting them strictly to persons of one description. What would be the result of all this? You would put an end to Tory associations, you would put an end to Protestant associations, but you would establish Radical associations; and what was worse, you would establish Catholic associations instead of Protestant Corporations. That would be the infallible result; and no man who had seen anything of the state of Ireland for the last few years could entertain the least doubt upon the point. Their Lordships had been told some years ago of the happy results to be derived from conceding Catholic Emancipation. They had been told in the progress of that measure, that if it were passed it would restore quiet to Ireland; that nothing further would be required; that all would be order and tranquillity. Since that the temporalities of the Church had been cut down; since that an attempt had been made to plunder the property of the Church; since that an attempt had been made to apply the funds of the Protestant Church to the education of individuals in the tenets of the Roman Catholic Church. You have recently put down numerous bodies of men defensively associated for the protection of their property and their religion—he meant the Orange societies. You are putting down the Protestant Corporations; and your next step is, to erect in their stead Radical and Catholic associations. What will be your next step? To establish the Catholic religion as the state religion of Ireland, and to degrade the Protestant Church into a dependent sect. That attempt would be made, and would, he hoped in God, prove a failure. Such, however, would be the consequence of the measures introduced by the noble Lords on the other side. Agitation they boasted of, but who could doubt the misery which that produced in its effects upon the elections in Ireland? It had been said, however, if the Legislature acted on the principle of this Bill, and endeavoured to get rid of the election of corporate officers in order to get rid of agitation, you must also get rid of the election of Members of Parliament too. But were their Lordships to go the length of this Bill, and to sanction all the evils of annual agitation and annual election?—were they to add all those evils to those which already existed in the election of members of Parliament, merely to gratify the noble Lords opposite, by adopting the course which those noble Lords had proposed? Their Lordships knew that the elections of Members of Parliament in Ireland were under the complete control of the Catholic priests of that country—that the mandates of those priests were irresistible, and that when they were once issued, no Catholic dare disobey the order given him to vote as the priests in their mightiness were pleased to direct. If any man disobeyed their order, assassination, or the fear of assassination, must be ever present to his imagination. Had not their Lordships read the letter which Lord Kenmare—himself a Catholic nobleman—had written to his agent, complaining of this detestable system? It had been said, however, on the other side, that elections were still free in Ireland. Elections free! There was no such thing as a free election in Ireland, unless they called that election free which was conducted under the will and domination of the priests. Their Lordships were now called upon to establish clubs of agitation, tumult, and sedition in every town in Ireland. Could any man doubt of the miserable consequences which must ensue from so lamentable a system? A noble Baron, on a former evening, had spoken to their Lordships of the beneficial effects of agitation. Whenever that noble Baron rose he was always certain by his good humour to put their Lordships in agitation; but the agitation which that noble Baron produced was the pleasant sparkling of champagne. Very different was the agitation which must be expected in Ireland; it was the fiery eruption of a volcano, it was the agitation of "the yeasty waves," which

> "Confound and swallow navigation up,
> Even till destruction sickens."

It was that agitation which he wished to put down. His advice to their Lordships was—"let us tranquillise"—not "let us agitate Ireland." Let Ireland avail herself of her ingenuity, of her climate, and of her fine position. Then she will be great, glorious, and free. But there were some base men, who for their own sordid ambition kept her in turmoil, tumult, and agitation. They were more ruinous than the storm, and more destructive than the volcano.

Their Lordships divided on the Question, That the twenty-second clause stand part of the Bill. Content 45; Not-content 98—Majority 53.

Clause expunged. Other clauses were struck out or remodelled.

The House resumed.

HOUSE OF COMMONS,

Monday, May 9, 1836.

FACTORIES REGULATIONS BILL.] The order of the day for the second reading of the Factory Regulation Bill was read.

Mr. *Poulett Thomson* said, that he should have merely moved the second reading of the Bill, and then waited to hear and answer objections to it, if he had not wished to remove some misconception, which had gone abroad, respecting its nature. He was the more surprised at this misconception, because the measure seemed to speak plainly for itself. It consisted of but a single clause; and anybody who knew the provisions of the Act at present in force, or who had attended to the discussions in Parliament upon it, would find it perfectly clear that the only object he had in view was the repeal of one section in that Act, and to place the law regarding factories in the same situation as that in which it stood on the 1st March last. A Bill had formerly been introduced, in which an attempt was made to restrict the hours of labour of those who might fairly be considered capable of deciding for themselves. It was rejected by the House; and a measure was brought forward by Government, having for object the protection of children under a certain age. After the 1st March, 1836, children between the ages of twelve and thirteen years, as well as under, were restricted from working more than eight hours per day. This was the restriction he wished to remove by the Bill upon the table; and he wished to leave the law as it stood prior to the 1st of March, by providing that children between twelve and thirteen years old, like their seniors, might decide for themselves; and, if they thought proper, might work for twelve hours per day. The grounds for repealing the clause were simply these. The inspectors of factories had made an unanimous declaration that they had found it almost impossible to enforce the law as it had stood since the 1st of March last, and the inspectors, manufacturers, and all the opponents of the Bill, had stated, that if the clause referred to were allowed to continue law, the inevitable consequence would be that all children between the ages of twelve and thirteen years would be thrown out of employment. The Act of 1833 went upon the principle of relays of children, each relay working for eight hours; but experience had shown that the system had entirely failed in Glasgow, Manchester and in all large manufacturing towns, although it had been found to work well in certain districts. In large manufacturing towns it had been found an utter impossibility to procure children enough to keep the manufactories going on the relay system. Hence, therefore, the Bill he was now advocating. Then came the question whether it were advisable for the ends of humanity—if humanity alone were to be considered—and keeping in view the quantity of employment in the country,—at once to put an end to the occupation of 35,000 children, according to the opponents of the law as it stood, or of 25,000 or 27,000 children, according to the best estimate Ministers had been able to make. Upon this point he was ready to meet his noble Friend, (Lord Ashley) even on the ground of humanity; for he was persuaded that having duly protected children under twelve years of age, and restricted them to eight hours' work, well-understood humanity required that those between twelve and thirteen years of age should not be thrown out of employment and cast back upon their parents. He did not apprehend that sixty-nine hours' work in the course of the week would be found injurious to them in any way; and respecting the effects of it upon the health of the children, he had taken the opinions of forty-eight competent medical men, forty-three of whom agreed that, provided the children were properly clothed and fed, it would not be injurious to them, while only five had stated that they were of a contrary sentiment. But there was another party who found fault with the measure on entirely different grounds; but he did not consider that this was the stage of the proceeding on which they ought to put forth the strength of their opposition. He alluded to those who were for extending the protection to adults as well as to children, and were for limiting the employment of all to at most ten hours per day. He appealed to his noble Friend (Lord Ashley), whether he would not be defeating his own end by adding his strength to that of such opponents, for the plan of a Ten Hour Bill carried with it the principle that children were also to work for ten hours, and giving them no greater protection than grown persons. Both now and at all times, he protested against a course of that kind, since he believed that it would be to inflict the most grievous tyranny upon those who having only their labour to sell had a right to make the most of it. Great injury would thus be done to manufactures, but double injury to those employed in them. He had not, hitherto, looked at the subject with reference to the general interests of trade, but upon these he might fairly rest his opposition to a Ten Hours' Factory Bill. The right hon. Member for Tamworth, a few nights ago, had shown the great evil of only a very small tax $\frac{5}{16}$ of a penny upon cotton but how much would the evils of such a tax to the manufacturers be increased, if one-sixth of the labour now bestowed on the trade were deducted from it. That would be equivalent to a tax of 2*d.* per lb. on raw cotton? Such a measure would be tyranny of the grossest kind to the operatives, and perfect destruction as regarded our manufactures. Capital and industry would then find their way into other countries, and England, which depended on foreign markets for the sale of two-thirds or three-fourths of our manufactures, would be undersold abroad. In Saxony, Switzerland, and the United States, manufactories were rapidly springing up in every direction, and already with those countries the competition was great, and the contest almost doubtful, and it would be too late to remedy the evil when the operatives in all parts of the kingdom, thrown out of employment by the impossibility of selling their produce, were calling for work, and expressing their willingness, if they could obtain it, to labour even beyond the hours at present required of them. He believed that the operatives themselves were not anxious for the adoption of a Ten Hours' Bill, but they were led away by persons who were anxious to be appointed their delegates, in order that they might come to London and be "hand-and-glove" with Members of Parliament. These persons deluded the operatives into the belief that they would get twelve hours' pay for ten hours' labour. That, of course, was a proposition which could be treated only with ridicule by every person acquainted with the relation which existed between capital and profits. He would propose the second reading of the Bill, and leave the House to deal with it as they thought proper. On grounds of humanity he entreated the House to pass it, for if they did not do so, all children at present employed in factories, between twelve and thirteen years of age, would be thrown out of employment. If the House should determine that the existing law ought to be enforced, and take upon themselves the responsibility of throwing 35,000 children out of employment, the Government must, of course, enforce it; but he feared that all parties would have cause to regret the circumstance. If any hon. Member should propose a Ten Hours' Bill, he should be prepared to deal with it; but at the present moment he was unwilling to re-open the whole factory question. It was most disagreeable to him to be compelled to open a part of that question on moving the second reading of his Bill, and nothing but an imperative sense of duty could have induced him to address to the House the few observations which he had made. The right hon. Gentleman concluded with moving that the Bill should be read a second time.

Lord *Ashley* trusted, that when the House recollected the active part which he took in 1833, with reference to the question which had been brought under their consideration by the motion and speech of the right hon. President of the Board of Trade, they would grant him their indulgence whilst he made some remarks upon the subject. He had the less scruple in presenting himself to the notice of the House upon that occasion, because he seldom occupied much of its attention; and, with respect to the question now before it, he had cautiously abstained from offering any observations during the last two Sessions. After he was defeated in 1833, in the attempt to carry the Bill which he introduced, he avoided putting questions to the members of the Government on moving for Returns, because he was anxious that the Bill introduced by the Government, and adopted by Parliament, should have a fair trial. Not such, however, had been the conduct of the Government, for within a few days of the time when a clause of his own Act was to come into operation—namely, in March, 1836, the right hon. President of the Board of Trade gave notice that he would introduce the present Bill for the purpose of repealing that clause. This was, in fact, a condemnation of his own measure by the right hon. Gentleman. The main ground upon which the right hon. Gentleman rested the present Bill, are the reports of the inspectors. But if any hon. Member would take the trouble to refer to those documents he would find that the statements contained in them were totally unsupported by evidence. The House was called upon to affirm, by a solemn decision, in defiance of all the evidence obtained from 1802 to the present day, that twelve hours were not too long a period for children, twelve years of age, to labour. Like the right hon. Gentleman, he would not enter into any discussion respecting the Ten Hours' Bill, but would confine himself to the single point which was brought under the consideration of the House by the present Bill. The right hon. Gentleman said, that in bringing forward this measure, he was actuated solely by a desire to benefit the children. He gave the right hon. Gentleman credit for having that intention, but he doubted whether the provisions of the Bill would allow it to be carried into effect. Every argument which had been directed against his (Lord Ashley's) Bill, in 1833, the right hon. Gentleman now urged against his own Act. The alleged danger from foreign competition was as valid an argument in 1833 as at the present period; but in 1833 the right hon. Gentleman successfully refuted that and all other arguments founded on the danger of legislative interference between masters and workmen. The right hon. Gentleman having then refuted his opponents, now came down and refuted his refutation. The right hon. Gentleman said, that if the House should refuse to pass the Bill, 35,000 children would be thrownout of employment; but he (Lord Ashley) had taken some pains to obtain information upon that point, and he had been told (and amongst others by the hon. Member for Oldham, who was a high authority on the subject) that it was utterly impossible for the mill-owners to carry on their business if they were to dismiss the children under the age of thirteen in their employment. If his information was correct, the argument upon which the right hon. Gentleman founded the anticipated dismissal of the children must fall to the ground. He would read some extracts from the evidence of the inspectors to show that it was at least extremely improbable that the services of children under the age of thirteen could be dispensed with.

Mr. Rickards said,—

"An influx of fresh hands from the agricultural districts would be no relief to them (the larger mill-owners), for children entering mills for the first time at thirteen and fourteen years of age never can become expert workers; they must begin at an earlier age."

Mr. Horner:—

"The tendency of improvement in machinery is more and more to substitute infant for adult labour."

Also:—

"We have found that the number of children employed, are rapidly increasing, in consequence of the tendency of improvements in machinery to throw more and more of work upon children, to the displacement of adult labour."—1st Report, p. 51.

Mr. Rickards, in his Report of February:—

"New mills are now erecting in various parts of the country, and many old ones being at the same time enlarged or improved, more and more hands will consequently be wanted; the demand for children will proportionally increase."

In page 26, speaking of the determination of masters to part with their younger hands, he says,—

"I cannot, however, bring myself to believe that this determination will be carried to the extent threatened, because it appears to me that, as a general measure, masters will be unable to furnish themselves with the required substitutes; but that it will be generally attempted and partially executed I cannot doubt, and that much inconvenience and injury will be the result."

He appealed to the hon. Members who sat behind the right hon. Gentleman, and who had experience upon this subject, and he challenged them to declare whether they believed that factories could be carried on at all without the assistance of children under the age of thirteen years. If they answered, as they must do, in the negative, there was an end of that part of the right hon. Gentleman's case. He would now advert to the original necessity which existed for legislation upon this subject. The House would recollect that in 1833, he brought in a Bill which was founded upon the evidence taken before the Committee of which Mr. Sadler was the Chairman. Many Members contended that the case of the operatives only had been considered by that Committee, to the exclusion of the case of the mill-owners. A Commission was subsequently issued to collect evidence in the country, and those Commissioners made a long Report, from which he proposed now to read a few extracts. He begged the House to bear in mind, that he would read only from the Report of the Commissioners, which might be said to contain the mill-owners' case, and he would not quote one word from the evidence given before the Parliamentary Committee.

"In Scotland (where the hours are somewhat longer than in England), complaints of children uniform—'sick, tired, especially in the winter nights;' 'feels so tired, she throws herself down when she goes home, not caring what she does.' 'She looks on the long hours as a great bondage; thinks they are not much better than the Israelites in Egypt, and their life is no pleasure to them.' 'Are the hours to be shortened,' earnestly demanded one of these girls of the Commissioner who was examining her, 'for they are too long?' These statements were confirmed by the evidence of the adult operatives. 'The young workers are absolutely oppressed, and so tired as to be unable to sit down or rise up; so tired, that they often cannot raise their hands to their heads! 'The children, when engaged in their regular work, are often exhausted beyond what can be expressed.' 'The sufferings of the children absolutely require that the hours should be shortened.' An overlooker states, — 'Hours of labour too long; has twenty-four boys under his charge, from nine to fourteen years old, generally much tired; always anxious, asking if it be near the mill stopping.'"

This was not the evidence of young children, but of children whose ages ranged between sixteen and eighteen. If such were the sufferings endured at the age of sixteen or eighteen, must not the sufferings of children of tender years be tenfold greater? Of Yorkshire, the Report said,—

"The children bore the long hours very ill indeed; exhausted in body and mind by the length of the hours and height of the temperature. I found when I was an overlooker (says one) that after the children, from eight to twelve years, had worked eight, nine, or ten hours, they were nearly ready to faint; some were asleep; some were only kept to work by being spoken to, or by a little chastisement, to make them jump up. I was sometimes obliged to chastise them when they were almost fainting, and it hurt my feelings; then they would spring up and work pretty well for another hour; but the last two or three hours was my hardest work, for they then got so exhausted. I always found it more difficult to keep my piecers awake the last hours of a winter's evening. I have told the master, and I have been told by him, that I did not half hide them. This was when they worked from six to eight. I have seen them fall asleep, and they have been performing their work with their hands while they were asleep, after the billy had stopped, when their work was over. I have stopped and looked on them for two minutes going through the motions of piecening, fast asleep, when there was really no work to do."

The General Report proceeds:—

"Pains in the limbs, back, loins, and side are frequent, but not so frequent as fatigue and drowsiness. Girls suffer from pain more commonly than boys, and up to a more advanced age; occasionally men, and not unfrequently young women, and women beyond the meridian of life, complain of pain; yet there is evidence that the youngest children are so distressed by pains in their feet, in consequence of their long-standing, that they sometimes throw off their shoes, and so take cold.

"'I have seen children,' says a Leicestershire witness, 'under eighteen years of age, before six at night; their legs have hurt them to that degree that they have many a time been crying. The long standing gives them swelled feet and ancles, and fatigues them so much that sometimes they do not know how to get to their bed. Night and morning their legs swell.' That this affection is common (says the General Report) is confirmed by the concurrent testimony of parents, operators, overlookers, and managers."

The extracts which he had read, were only a fraction of the evidence which might properly be brought under the consideration of the House. The House might recollect that when he introduced his Bill in 1832, he grounded it principally on the evidence of the medical witnesses, and upon the same ground he opposed the present Bill. Four medical Commissioners were appointed in 1832 to collect evidence, and he would read some passages from their reports. The four Medical Commissioners were Dr. Southwood Smith, Sir David Barry, Dr. Bisset Hawkins, and Dr. Loudon. Dr. S. Smith remained in London on the Central Committee.

Dr. Loudon reports:—

"In conclusion, I think it has been clearly proved that children have been worked a most unreasonable and cruel length of time, daily, and that even adults have been expected to do a certain quantity of labour, which scarcely any human being is able to endure. I am of opinion no child, under fourteen years of age, should work in a factory of any description, more than eight hours a-day. From fourteen upwards, I would recommend that no individual should, under any circumstances, work more than twelve hours a-day; although, if practicable as a physician, I would prefer the limitation of ten hours for all persons who earn their bread by their industry."

Sir David Barry reports:—

"Although all the sources of immediate and prospective suffering may be so far remedied or mitigated, as to render twelve hours of factory work compatible with average health and longevity, yet I am of opinion that less labour ought to be required from the infant workers, and that more time should be allowed them for sleep, recreation, and the improvement of their minds, than they at present enjoy."

Dr. Hawkins reports:—

"I am compelled to declare my deliberate opinion, that no child should be employed in factory labour below the age of ten; that no individual, under the age of eighteen, should be engaged in it longer than ten hours daily, and that it is highly desirable to procure a still further diminution of the hours of labour for children below thirteen years of age.

"Again, as to the reduction of hours for all below eighteen, I feel the less distrust in my own opinion, because it is sanctioned by a large majority of eminent medical men, practising in this district (Lancashire).

"This Bill does not accomplish the object at which it purports to aim. Its professed object is the protection of children, but it does not protect children. In the same evidence, which shows that the legislative protection of children is necessary, it is also shown that the restriction of the labour of children to ten hours a day is not an adequate protection."—p. 32.

He found, in fact, from the Report of the Commissioners, that out of thirty-one medical gentlemen who had been examined, no less than sixteen were opposed to the present Bill, and in favour of a Ten Hours' Bill, stating that the latter was the full amount of labour to which children ought to be subjected. Of the remaining fifteen medical gentlemen, Dr. Shaw, of Manchester, said that ten to eleven hours was sufficient. Mr. Robertson and Dr. Bardsley said much the same. Dr. Carbutt, of Manchester, seemed uncertain, and stated, "perhaps twelve hours;" but of all the fifteen there was only one medical man (namely Dr. Phillips, of Manchester) who boldly asserted that twelve hours' labour was by no means injurious. All these witnesses were speaking as to the employment of persons under and up to eighteen years of age. In summing up the evidence, the Commissioners said:—

"That this successive fatigue, privation of sleep, pain in various parts of the body, and swelling of the feet, experienced by the young workers, coupled with the constant standing, the peculiar attitudes of the body, and the peculiar motions of the limbs, required in the labour of the factory; together with the elevated temperature and impure atmosphere in which that labour is often carried on, do sometimes ultimately terminate in the production of serious, permanent, and incurable disease, appears to us to be established."

They afterwards made a proposition, which was this:—

"That until the commencement of the fourteenth year, the hours of labour during any one day, shall not in any case exceed eight, and they justified the proposition by saying, the grounds on which we recommend the above restriction on hours of labour are—1st. 'that at that age, the period of childhood properly so called ceases, and puberty is established.'

"2nd. 'That, in general, at or about the fourteenth year, young persons are no longer treated as children; for the most part they cease to be under the complete control of their parents and guardians—they begin to retain a part of their wages, they usually make their own contracts, and are, in the proper sense of the words, free agents.'"

The existing law had now only been tried two years and a half, and though that measure had been passed with a view to relieve young persons, yet the right hon. Gentleman opposite (Mr. P. Thomson) now came down and proposed to repeal the whole of that measure which was at all beneficial to those children. He (Lord Ashley) protested against the proposition in their behalf—on behalf of those whom the House was now called upon to subject at once to labour for twelve hours per day. The Act now in force had been accepted by parties interested and entertaining extreme opinions upon the matter, and he maintained that the Legislature had no right to repeal a single clause or provision, without first obtaining the assent of both those parties. Had that assent been obtained? And if so, where were the petitions in favour of the proposed change? All the petitions were in favour of the Act, or for passing a Ten-Hour Bill, and one petition, with the object in view, had been sent from Manchester, with 33,000 signatures. When the former Bill was before the House, Lord Althorpe, then the leader of the House, moved an instruction to the Committee, that children should be protected to the age of thirteen years. That was adopted—the pledge was given by the noble Lord, and redeemed by the right hon. Gentleman opposite. Should it be said that the House, which was a party to that transaction, would withdraw from those children the boon and benefit which they had enjoyed in prospect for the last two years and a half, but in reality only nine months, we believe? Let hon. Members recollect that the Negro Emancipation Act contained a clause providing that the negro population of the British Colonies should not work more than forty-five hours per week, which was three hours less than it was recommended in the Report to impose upon children employed in factories in this country. That having become law, what would be said of the Minister who, having been party to such a measure, came down to that House and said, "We repent of the boon and benefit which we granted by that clause to the negro population: the planters find that eight hours' labour per day is insufficient to remunerate them, and, therefore, we propose to cancel this boon and benefit so conferred, and to compel the negroes, instead of eight hours to work twelve hours per day." Did the right hon. Gentleman opposite (Mr. P. Thomson) think that either the House or the country would entertain so monstrous a proposition? The present case was precisely parallel, and he hoped the House would so deal with it. There was something in the character of the present Bill which strongly excited his suspicion. Why did the right hon. Gentleman only propose one amendment upon it, when the Report of the Commissioners recommended several? It had been said the old Act had been constantly violated, but he could tell the right hon. Gentleman, that with this single amendment, the new Bill would, if passed, be open to still greater daily violation. He very much feared that the present Bill had only been put forward merely as a feeler before a further measure was proposed, and that if the House should be found to consent to repeal one part of the clause of probation, as was proposed, it would be told next year that it could not consistently refuse to repeal the remainder. He was confirmed in that opinion by the evidence he found in the Report of the Select Committee, moved for and appointed by the right hon. Gentleman opposite, on the subject of manufactures and commerce. Before that Committee one witness, a Mr. William Rathbone Gregg, was asked, incidentally, a question relating to factory labour, and his answer was, that "he had little doubt that after all these attempts at legislative interference in the matter had been found utterly unavailing, the mill-owners would then be quite at liberty, and would not work much more than twelve hours a-day." Now, this Bill was but the first step, in his judgment, towards a total repeal of protection to the children, and to the accomplishment of that of which this witness had spoken. He could not, therefore, conscientiously suffer this Bill to go to a division without stating, that though he should be ready to surrender the clause itself, he never would consent to surrender its principle. If his Majesty's Government was ready to give him an understanding that they would provide in this Bill a substitute for this clause, of protection to children, he would retire from all further opposition to the Bill, and suffer it to pass. But if not, he should certainly persevere in his opposition. He would now, therefore, move, as an amendment, that the Bill be read a second time this day six months; inasmuch as there being only a choice of evils, he preferred inconveniencing the masters to inflicting cruelty on the children.

Mr. *Poulter* seconded the amendment. He observed with great regret that the right hon. Gentleman, the President of the Board of Trade, had introduced a measure of a partial character to abrogate the law as it now stood. If the fears of the right hon. Gentleman were well founded there would be petitions sent up against the law from all the manufacturing towns of the kingdom; but the total absence of them showed that the parties most interested entertained no apprehensions whatever on the subject. The source of all the right hon. Gentleman's fears was, the competition that existed among the mill-owners, who were running a race against each other. The children who were employed in manufactories had, for the most part, no natural protectors, and the House ought to act towards them *in loco parentum.* There was at Bradford, in Yorkshire, an excellent establishment, in which 1,768 persons were employed, and of these 616 were under the age of 18 years, and they worked only ten hours a day, one hour being allowed them for instruction—an admirable example, and one which ought to be generally followed. How was this effected? Human power was kept in action about eleven hours, and about one-tenth more young persons than was necessary were employed, and so the magnificent establishment was carried on, with a due regard both to profit and humanity. Instead of asking the House to reduce the existing law, the right hon. Gentleman ought to require its enforcement. At present it was grossly violated. He knew nine factories, in one town, in which it was grossly violated. In those factories they had compelled the children to work on Good Friday. There was a clause in the existing Act which provided that the children should have eight half-holidays in the year. Now, if such a day as Good Friday was taken from the children, what chance was there that they would be allowed any of those half-holidays? In some factories means were taken to evade the law, by making children look older than they were. Children of eleven years of age were made to look as if they were thirteen. These things ought to be looked to, and the law be enforced, not relaxed. If there were not inspectors enough, let the number be increased, let their visits be more frequent, and let those visits be made at times when they were not expected. These were the things that were wanted, and not an alteration of the law. When he found, that of 616 young persons under eighteen years of age, no less than 567 were females, a most important inference suggested itself to him in relation to the welfare of society. Many of these were destined to be the mothers of families, and to such this excessive labour was very pernicious. It endangered their health, and produced distortion and debility. The health and constitution of their children were deteriorated, disease supervened, and distortion, debility, and wretchedness, were their lot through life. Baron Humboldt declared that in a million of savages he did not see a single deformed person. How different was the case in our manufacturing districts! In almost every case personal deformity was acquired, not original; and it was to be apprehended that deformity and distortion would be entailed on their children's children, and transmitted to future generations. Whenever the laws of nature were violated, she revenged herself by gradually deteriorating large classes of the people. The education of these unfortunate children, too, was neglected, and their religious instruction ought to be more attended to. Unless previously educated, it was impossible to bring together young people of both sexes without demoralisation. And yet, at the time most important for their moral and religious instruction, they were left without a chance of improvement. During the week they had no time, and on Sundays they were too much exhausted to attend any school. He was a great friend to political reforms; but political reforms should always be accompanied by the moral education of the people. If not, those reforms would be misused, and would be turned to evil. It was on that ground alone that he had supported the political reforms which had taken place during the last few years; it was in the hope that the privileges which those reforms conferred upon the people they would be taught to use beneficially to themselves. He trusted the House would never consent to the Bill proposed by the right hon. Gentleman. He was no politician on the present occasion. He was much attached, politically, to his Majesty's present Government; but he was much more attached to the poor factory children.

Mr. *Gisborne* was desirous of stating the views which he entertained on this subject. He greatly admired the temperate and candid manner in which the noble Lord had expressed his sentiments respecting it, and he trusted that he (Mr. Gisborne) should be influenced by the same spirit, and give no utterance to any party feeling or sarcasm. Whenever the noble Lord's Bill should come before the House again, the House would give it the most serious consideration. But he might perhaps be allowed to doubt whether the Legislature at this protracted period of the session, would be disposed to make so great a change as that of enacting a Ten-Hour Bill as the restriction to be laid on the moving power in our factories. But it was at this moment important to consider the present state of the law, and its mode of operation; because, unless the right hon. Gentleman who had brought in the Bill could establish that the practical effect of the present law would, by inevitable deduction, be to turn out of work all children between twelve and thirteen years of age, this House ought not to consent to the right hon. Gentleman's motion. He remembered that a great many of the manufacturers told the House at the time, that the effect of the clauses imposing restrictions on the labour of children under thirteen years of age would be, that they should turn all such children out of their factories. The House did not believe them; or legislated in disregard of their warning. He appealed to the hon. Member for Ashton-under-Lyne whether that prediction had not been verified?—whether the system of relays had not failed?—and whether more than five per cent. of such children had been since so employed?—He asked the hon. Member whether the system of relays and education was in operation in any part of the manufacturing district with which he was acquainted?—He asked whether, in the large establishment with which he was connected, he had not found it impossible to work upon that system; and whether all the children, up to the age of twelve years, had not been practically excluded from those works? He knew that the system of relays was tried by persons in that neighbourhood—that they tried it honestly, and with the most perfect intention of conforming themselves to the law, and making the system work well. Mr. Thomas Ashton gave the system a fair trial, but he failed—how?—Because all the children left him. They would not work under these restrictions. It was only in places where the manufacturers had the opportunity of procuring a large number of children, and where employment was difficult to be obtained, that the relay system and education clauses had had any beneficial effect. This was how the Bill had operated with respect to children of the ages of ten, eleven, and twelve years; and the simple question was whether, if the existing regulations operated well with respect to children from the age of ten to eleven, and from the age of eleven to twelve, they should not be applied to children from the age of twelve to thirteen, who would otherwise be turned out of employment, with the exception of about five per cent. It was well known, that from Buckinghamshire and other agricultural districts, many families had removed into manufacturing districts, with a view of obtaining employment for their children. It was also well known that children in the factories, from twelve to thirteen years of age, could frequently earn from four to seven shillings a week each. How would the inducement for persons in the agricultural districts to remove into the manufacturing districts, for the purpose of obtaining employment for their children, be reduced, if the law which occasioned the dismissal of so many children of twelve years of age were continued? To accede to the amendment of the noble Lord would be to prevent the removal of families to which he had alluded being beneficial to either party. Much more misery, therefore, would be created by prohibiting than by allowing children from twelve to thirteen years of age to work twelve hours a day. The amount of misery so produced was so great, that the House ought to pause before it continued it. On these grounds he should cordially assent to the second reading of the Bill.

Mr. *Benett* could never for a moment admit that any loss which the manufacturers might sustain ought to be put in comparison with injury to the health and and morals of the children employed in the manufactories. He had seen a great deal of the manufacturing districts and towns; and his own observation, no less than the evidence which had been heard before the Committee, convinced him that children between twelve and thirteen years of age could not be employed for the number of hours in the day which the Bill before the House allowed them to be employed, without great detriment to their health and morals. Much was said of the danger of throwing so many children of that age out of employment. How could such a danger exist, when new factories were starting up in every quarter, and such a rivalship was created among them? On the contrary, he believed that at present children of the age in question could earn more in eight hours than they formerly did in twelve. Nothing, in his opinion, could be more fallacious, unjustifiable, and wicked, than to consider wealth, even in a great commercial nation like England, as that which, under any circumstances, ought to be put in comparison with the health and morals of the people. He would willingly support whatever measure would tend most to better the condition of the children, and he would look first to those which were calculated to promote their physical health, increase their physical power, improve their morals, and enlighten their minds. As he did not think that the Bill before the House was one which would obtain those objects, he felt himself bound to support the noble Lord's amendment.

Dr. *Bowring* gave the hon. Member for Wiltshire all honour for his sympathy with, and interference in favour of, the labouring population. But if it appeared that the hon. Gentleman's opposition to the Bill before the House would be injurious instead of beneficial to that population, then his opposition lost all claims to justification. He mistrusted that interference on behalf of the poor which the poor were themselves to pay for; and would never lend himself to those delusions by which the meritorious classes of society were taught to believe that their wages, like everything else, did not depend on supply and demand. Let the question be presented to them honestly and fairly. Let the parents of factory children know—but they know it well—that the diminishing the hours of daily toil must inevitably diminish the amount of weekly pay. To protect them, as it was called, was merely to protect them against the comforts which the two hours additional labour would purchase. Certainly, there were cases of hardship and oppression, but he disliked all legislative interference between master and man—between parent and child and doubted whether the evils it brought with it were not greater than any promised good;—moreover, all such interference would be unsuccessful, and thwarted by common consent of all interested parties. What had every speaker confessed? Why, that the laws were trampled on—that the regulations were not obeyed—that the Act of Parliament could not be enforced! Why continue in this course of helpless legislation? Why struggle, perpetually, to maintain a state of things which the common interest overthrew? What was the use of laws to which no power could give effect? Happily, no law could shake to their foundation the great social interests of mankind at large. There would be no bounds to the absurd freaks of legislators, did not the common interest—the general instinct—check their progress. They prohibited foreign trade—but the smuggler came—a public benefactor, though a breaker of the laws—and tumbled down the barrier that legislation had raised against friendly communication. So laws to regulate wages, and hours of labour, and conditions of contract for work, were merely cobwebs broken through at will; because it was the interest of master and servant that they should be broken. The hon. Member had contrasted children in the country with children of towns, and claimed for the former a great superiority. He held an opinion wholly opposed to that of the hon. Member. He had acquaintance among both classes; and ventured to assert, that the children in the manufacturing districts were better instructed, more intelligent, more moral, than the children of country places; and so, in fact, were the manufacturing population as a whole. In what part of Europe, for example, was the *minimum* of bastardy to be found? In the manufacturing districts of Switzerland! In our agricultural counties the number of illegitimate births was as one to twenty; in parts of Switzerland it was as one to forty-four. It had been said, that we had nothing to fear from foreign rivalry—this was an error. But if foreign rivalry were not more perilous, it was because many other nations, following our example, had taxed food and raw produce, and built up a system of protection, and illiberality of which they had to pay the inevitable cost. But look to the emancipated countries—look to Switzerland—remote from all the means of supply, but without a Custom-house—without a tax on food or labour—without any legislative interference—without Factory Bills or Boards of Trade, or protection of any sort—her manufactures had found their way to every market of the world—and her people had grown and prospered in the unbounded liberty of exchange. Was the House aware that in Switzerland half the manufacturing population had become proprietors of the land on which they lived, and the houses in which they dwelled? They wanted no protection but the protection of freedom; and they were formidable rivals, and must be so—formidable in proportion to their emancipation from an interfering policy. He hoped the time was not distant in which the true cause of the distressed condition of our labouring population would be boldly investigated. But it was not by laws which could not be enforced, nor by prohibitions, nor by restrictions, that they could be relieved, but by a total change of system. "Abrogate," said Dr. Bowring, "your Corn-laws—liberalize your commercial system—cultivate commerce with all the nations of the world; thus will you raise wages—thus prevent the necessity for exhausting labour." All other projects were but palliatives—the source of the evil was untouched by them.

Mr. *Brotherton*, conversant as he was with the manufacturing districts hoped he might be excused for trespassing for a short time on the House. The attention of Parliament had been frequently called to the condition of the manufacturing population. Various Acts had been passed on the subject. He confessed that by some of those Acts the condition of children working in factories had been much ameliorated; but much remained to be done. He considered it to be the bounden duty of the Legislature to regard, in all their proceedings, the physical, the moral, and the intellectual condition of the great mass of the people; and he could never believe that the prosperity of this or of any country could depend on the continued violation of the principles of justice and humanity. Let any one who was well acquainted with the subject get up and say that the number of hours of working proposed by the right hon. Gentleman's Bill was not too much. He knew a good deal of the matter, and he said unequivocally that the labour was too much for children to bear. When they considered that 400,000 or 500,000 persons were labouring from half-past five or six o'clock in the morning till eight or nine o'clock at night, and this, not upon a few particular occasions only, but day after day, week after week, and year after year, he asked whether any person professing the Christian religion would stand up as the advocate of such a system, or would express a wish that such a state of things should continue? He begged the House to consider how frightful that state of society must be in which so many hundreds of thousands of human beings were regarded merely as machines, or instruments of labour, out of which the utmost possible degree of exertion should be extorted. Of what benefit was constant enployment if opportunities were not afforded to them of moral and religious instruction, in order that they might become good men and good women? He held in his hand a Bill which was brought into Parliament in the year 1815, by the late Sir Robert Peel, whose memory was held in grateful remembrance by the great mass of the labouring classes in the manufacturing districts. The object of that Bill was to limit the hours of labour for all persons working in factories to ten hours and a half a day. But the late Sir Robert Peel had, in the year 1815, and for many succeeding years, to struggle with the same difficulties as those who were friendly to a like humane measure were compelled to contend against now. He (Mr. Brotherton) was a master spinner at that time, and he believed he stood almost or quite alone at Manchester in rendering assistance to those who, with the late Sir R. Peel, were endeavouring to accomplish these benevolent intentions. With the exception of himself, all the master spinners of Manchester were opposed to the measure. What was the consequence? Sir Robert Peel was four years endeavouring to accomplish what he designed, and at last, in the year 1819, he succeeded only in carrying a Bill which limited the period of labour to twelve hours a day, or seventy-two hours a week, for all children under the age of sixteen years. It was found, however, in the course of a very short time, that that part of the Bill which limited the application of the general provisions of the Act to children under sixteen years of age was likely to be evaded? and subsequent experience showed that it was evaded. The consequence of this was, that in the year 1825 another Bill upon the subject was introduced and carried, limiting the hours of labour to sixty-nine in the course of the week; and in the year 1831 another Act was passed, called Sir John Hobhouse's Act, and which, for many reasons, he was always disposed to consider the very best Act that had ever been passed upon the subject. One of its chief recommendations was its simplicity—it was easily understood, and could not easily be evaded. That Act applied to persons under eighteen years of age, working in factories in the day, and prohibited any person under the age of twenty-one from working in the night. The fault of Sir John Hobhouse's Bill was, that it applied only to persons employed in cotton factories. But its effects, wherever it was applied, were found to be most beneficial. The cotton factories called, perhaps, most loudly for the adoption of some measure of that description, but at the same time, great excesses and many abuses were heard of in the woollen trade and also in the silk manufactories; and the late Mr. Sadler afterwards introduced a Bill which applied to all these alike. It was not, however, till the year 1833, that the existing Act was brought forward, and although he resisted some of the clauses of that measure, he must still claim the merit of consistency in opposing the Bill which was now brought forward, for altering one of its most important provisions. He told Lord Althorp, when the Bill of 1833 was under consideration, that the relay system would never do; and as the Bill passed through Committee, he pointed out the provisions which he was satisfied, (and subsequent experience showed he was correct) would be evaded. It could not be denied, that the Bill had totally failed in many of the great objects for which it was intended. The attempt to proportion the hours of labour to the age of the child was constantly evaded, and the consequence was, that little or no protection to the children was afforded. If they wished for evidence to show that the Bill had not been acted upon as it ought to have been, it was only necessary to refer to the return which had been laid upon the table of the House of the number of masters who had been guilty of a violation of the law. By that return, it appeared that in the course of the very short time during which the law had been in operation, no less than 250 masters of mills had been convicted under the Act, and paid penalties to an amount of upwards of 1,000*l.* When it was considered, that these masters of mills were men of education, and as one would suppose of superior moral feelings, to those whom they employed, was it not disgraceful to find them violating an Act of Parliament so grossly and so constantly as these persons appeared to have done? He repeated, that he considered such conduct most disgraceful. In the majority of instances in which the penalties of the Act had been enforced, it was for the offence of compelling the children to work for more than twelve hours a day. If the masters were guilty of such infractions of the law, how could they expect the poor and comparatively uneducated artisans to respect all the provisions of laws which probably they did not distinctly understand? How could the Legislature expect the laws to be obeyed by the poor, when they were hourly and daily violated by the rich. Having thus pointed out the defects of the existing system, he begged for a moment to be allowed to consider the remedy. He never liked to object to any measure unless he thought it was in his power to suggest a remedy. This then was his remedy: that for all persons employed in factories under the age of twenty-one, there should be one uniform period of labour, with such restrictions and such subjection to inspectors as should secure the execution of the law. The system on which the large factories was conducted was such, that persons of all ages and all constitutions, old and young, weak and strong, must all necessarily work together at one and the same time. Let the Legislature, therefore, fix upon some period of labour within the range and compass of human strength, and make it applicable to all alike; or, at all events, to all persons under the age of twent -one. Under the existing law, frauds as to age were constantly committed, and would continue to be committed as long as the present law remained, because they were connived at, not only by the masters, but the parents of the children, and by the children themselves. The simple question which they had now to consider was this, should they reverse the former decision of the H ouse by which it was declared, that no child under the age of thirteen should work more than eight hours a-day? He thought, that the simplest and best law that could be passed upon the subject would be one by which the period of labour should be limited to ten hours a-day for persons of all ages, men, women, and children. But when any proposition of this kind was made, whenever the voice of humanity interposed between the master and the labourer, the House was assailed with the cry of "beware of foreign competition—if you reduce the period of labour, you put a fatal restriction upon the British manufacturer, and render him incapable of competing with the manufacturers of the Continent." Now, they had it in evidence, that previous to the passing of Sir Robert Peel's Act, the usual number of hours that persons were employed in factories was seventy-seven in the course of the week; and it was proved that it was not unusual for children of seven and eight years old, to be kept at work as many as ninety-three hours in the week. Sir Robert Peel's Act reduced the number of hours to seventy-two in the week; and when this was done, the Legislature was told by those who professed to understand every thing connected with the subject, that the possibility of our manufacturers continuing to compete with the manufacturers of foreign countries was completely taken away. Let the House remark how this assertion was borne out by the fact. At the time of the passing of the late Sir R. Peel's Act, and in 1819, the exportation of cotton twist from this country amounted annually to 18,000,000 lbs. The period of labour was again reduced in the year 1825, and then, of course, all idea of competing with foreign nations was at once abandoned. Yet the year afterwards, the exportation of cotton twist amounted to 45,000,000 lbs. Again, in 1833, when a further reduction of time was effected, the same argument was used, and nothing but positive and immediate ruin could fall on the heads of the devoted manufacturers of this country. What was the fact? In the year 1834, the exportation of cotton twist amounted to 76,000,000lbs. Facts proved, then, that they had nothing to fear from foreign competition. He differed from the hon. Member for Kilmarnock (Dr. Bowring) and others, who said, "only Repeal the Corn-laws, and all laws bearing upon free trade in labour, and then the people will be much better off, and will never be so unmercifully worked." All the inspectors agreed, that if there were no legislative interference the children employed in manufactories would be overworked. And when free labour was talked about, let it never be forgotten that the labour of persons in these manufactories was not free. It was impossible for a man, or a woman, or a child to say that they would work only so much or for so great a length of time. He had been grieved many times to see females stand at work when it would be much better for them that they should go home; but they dared not leave their employment a moment before the usual time, lest they should lose it altogether. Such was the positive fact. No discretion was left to the operative as to the number of hours he should be employed; he must work the usual time, or he would not be allowed to work at all. The effect of this was most prejudicial. The right hon. Gentleman, the President of the Board of Trade, in the course of the observations he made in moving the second reading, threw out an intimation which he (Mr. Brotherton) was most anxious to refute. The right hon. Gentleman said, that the reason why the operatives wished for this restriction was, that they might have twelve hours wages for ten hours work. It might, with just as much justice, be said that the masters, when they violated the law, and kept the children at work beyond the time prescribed by the Legislature, were anxious to get twelve or fourteen hours' work for ten hours' wages. The fact was, that the House was not aware of the great temptation that there was for over-working these persons. To many master-manufacturers, an additional hour a day obtained from each of the persons he employed, would make a difference of not less than 100*l.* a week. Thus an enormous advantage was gained by those who violated the law, and the honest manufacturer was left without a chance of competing with them. This would necessarily be the case, till some uniform time was adopted for persons of all ages, and some effectual steps taken to see that the provisions of the law were rigidly carried into execution. If the present Bill for amending the last Act were passed, he had no doubt that many mills would be found working sixteen and seventeen hours a day. Persons engaged in these manufactories were generally desirous of making rapid fortunes, and the Legislature might as well expect to extract oil from granite as to obtain anything from the humanity of the worshippers of mammon. He begged to bear his humble but honest testimony against the existing system. Many humane men were compelled to continue it contrary to their wishes; and they, like himself, were most anxious that some uniform time should be prescribed for persons of all ages. He had considered the report carefully and for a considerable length of time; and he did not hesitate to say, that if such a system as that which he proposed were adopted, it would not be injurious to the master, whilst the operative would be satisfied, children protected, the commercial prosperity of the country extended, and the people contented, healthy, and happy.

Sir *Robert Inglis* congratulated his Majesty's Government that they had at last got a gentleman who was connected with the manufacturing interest to rise and support their present proposition; for only two hon. Members connected with that interest had as yet supported it. It was stated, in a letter read by the hon. Member for Tynemouth, that the labour of the children in the factories exceeded the average daily marching of an English soldier; that every child had to walk fifteen miles a day. Did the hon. Member for Manchester mean to say, that this was a just conclusion from the evidence? [Mr. *Mark Philips:* It is an extremely difficult question.] Supposing it, then, to be only equal to ten miles a day, was it fit that children under thirteen, who are subjected to it, should be left unprotected by the law? If ever there was a case in which two and two did not make four, this was one; for it had been clearly proved by the statistics of hon. Members, that where the number of hours of labour had been reduced, there had been an accompanying increase in the produce of the labour. The hon. Member for Kilmarnock, as an advocate for pure abstract political government, appeared to regard the children merely as machines for the production of cotton; he told the House that smugglers are beneficial to a country, inasmuch as they correct the errors of legislation. The connexion of that argument with the Bill before the House he was not fortunate enough to perceive. He was quite willing to admit, that they had no right to expect an equal amount of wages for a lower amount of labour; but, at the same time, he believed that if human labour were forced beyond its physical power, the very element out of which the power proceeded was destroyed. The statements made by the hon. Member for Salford were uncontradicted by the hon. Member for Manchester, and they satisfied him that an economy of human labour was not likely to impair, but increase its productiveness. Were not the children in our manufactories as much entitled to protection as persons of a different colour on the other side of the Atlantic? The statement of the physicians who had given their testimony, was, that no child under eighteen years of age should be worked more than ten hours a day. He trusted, therefore, that the House would adhere to the principle established in 1833, when it passed a measure, which was laid before them as a compromise of the Ten-Hour Bill, proposed by his noble Friend, the Member for Dorsetshire, whose present amendment he should feel it to be his duty to support.

Mr. *Ainsworth* supported the motion. The noble Lord, the Member for Dorsetshire, had not quoted an instance, since the operation of the present Bill, to prove that the present system of factory labour was injurious. Although many hon. Members had spoken in reply to the noble Lord, they had not made any allusion to this point. It had been said that no petitions had been presented from the manufacturers. That might be the case; but there were several deputations from the manufacturing districts now in London, who united in stating, that serious injury would accrue to them and their property if the amended Bill of his right hon. Friend, the President of the Board of Trade, should not be carried. As those parties were interested, it might be supposed that their representations would be biassed; but when he stated to the House that they were wholly borne out in their representations by Mr. Rickards, the factory inspector, he trusted that full credit would be given to them. He lived in a populous manufacturing neighbourhood, and was bound to say, that these legislative interferences with labour were vexatious, oppressive, and uncalled for. Further restrictions would only promote additional frauds, while they would tend to ruin the manufacturers by provoking foreign competition. On the continent, where labour was cheap, they laboured for fifteen hours a-day, and as labour was cheap, he considered that they would, but for our unrivalled machinery, soon undersell us. As far as his own observations went, he could state most distinctly that factory labour was neither injurious to the health nor the morals of the children; and he strenuously recommended the House rather to set labour free, than impose on it further restrictions.

Dr. *Lushington* would take the liberty of expressing his opinion upon this subject, notwithstanding he had not the advantage of any personal experience on the working of the system. He remembered Mr. Canning saying, when it was urged that great danger must arise from persons legislating for the West Indies who were not acquainted with West-India society, that they might as well tell him that he was not to take part in legislation respecting the mines of Cornwall, because he had never travelled through the town of Truro. The hon. Member for Kilmarnock had advocated the principle of free trade, as applicable to labour; but what was the principle of free trade, he should like to know, when it came to be applied to children between twelve and thirteen years of age? Free trade was this: where all parties were capable of judging for themselves, and of protecting their own interests, in that case, they had a full right to say that the Legislature should not interfere with their own discretion and judgment, as the interest of each individual would induce him to adopt that course which, in the end, must promote the general prosperity. The question, then, for the House to consider was, would they or not afford legislative protection to those who were incapable of protecting themselves? They had admitted the principle already by affording legislative protection to another class that could not protect themselves—namely the chimney-sweepers. If the chimney-sweepers required protection, would any man say that the children employed in factories were less in need of it? He defied the most ardent advocate of free labour to state, that eleven hours and a half's labour to children under thirteen years of age, was not destructive of their morals and their health. The rules of political economy were totally inapplicable to the present case. They might be true as a general principle; but this was a case of exception, and did not admit of their application. He begged to appeal to his right hon. Friend, who had introduced the present measure, whether he was not, on this occasion, acting rather as the Member for Manchester than as a Minister of the Crown? He would ask his right hon. Friend, whether he was not legislating for particular interests, rather than for the general good? And in saying this, he was sure his right hon. Friend would not suppose that he imputed to him any improper motives. He was only stating what was a well-known fact—that the representatives of the people in that House were influenced by the opinions and feelings of their constituents. He agreed with the hon. Member for the University of Oxford, that the Bill brought forward in 1833 was the result of a compromise, and he therefore considered the present measure to be a violation of the pledge given on that occasion.

Mr. *Baines* said, that he had been the whole of his life among factory labourers, and he would take upon himself to say, that there was not a set of children in this kingdom better fed, better clothed, better lodged, and more healthy than the children in the factories. Did Gentlemen on the opposite side of the House think that, because he was a Member for Leeds, he should be deterred from speaking the sentiments he entertained upon a subject of this kind? Or did they think that men who had an opportunity of observing circumstances that were daily passing before their eyes, were less capable of judging as to what those circumstances were, than those who had not that opportunity? Previous to his coming to London, he went to almost every factory in Leeds, to ascertain what was the state of the health of the persons employed in them, and if the House would give him credit for judging impartially, he would declare, that he never saw a set of children who had more the appearance of great health and strength than those he then saw. He afterwards consulted with the masters, to ascertain whether they wished the time of labour extended, or the age of the children, as now required by the law, abridged; and the answer he received was in the negative. He also put the same questions to the parents of the children employed in the factories, and the answer he received from them was, "We think the hours of labour ought to be abridged one hour, and the age of the children ought to be reduced from twelve years to ten." These were the opinions of the masters and the operatives whom he had consulted. But hon. Gentlemen should not run away with the notion that these regulations, of which they complain as being severe, are peculiar to factories. What reason had they to determine that children of thirteen years of age should not be introduced into factories to work twelve hours a-day, when they had a law in the statute-book which empowered parishes to put boys out as apprentices at nine years of age?

Mr. *Potter* supported the motion, and observed that the importation of cotton-wool into Great Britain in 1815, was 371,000 bales, while the importation and consumption of France and other States of Europe was inconsiderable, and the cotton manufacture of America quite insignificant. In 1832, the consumption of cotton-wool in Great Britain was 865,000 bales; in the same year that of America was 173,000 bales, of France 272,463 bales, and of other States of Europe 200,000; making in all 646,263 bales, being nearly double what was imported into Great Britain only seventeen years before, and two-third parts of what was imported into Great Britain in the same year of 1832. In 1835, the consumption of the States of America had increased to 216,888 bales. If we suppose France and the other States of Europe to have increased their manufacture only in the same proportion, then the whole consumption of rival foreign States would be 748,000 bales, while that of Great Britain for 1835, is estimated at 944,673 bales. Thus it appeared, that in twenty years the foreign rival cotton manufacture had increased so much in amount as to consume, in the last year, four-fifth parts of the quantity of raw cotton-wool that was used in Great Britain during the same period.

Sir *John Elley* said, that although he had not, like the hon. Member for Leeds (Mr. Baines), visited the manufacturing towns lately, he could not say, that he had ever witnessed in them a redundancy of health. When there was a scarcity of employment man of the labourers inhabiting them entered the army, and having had some experience in recruiting, he must say he would never go to a manufacturing district to select grenadiers. The pursuits and mode of living of these men rendered their physical powers inferior to those of other portions of the male population who were differently engaged. A recruiting officer would reject five out of every ten men from a manufacturing district, while in a rural district he would not reject a greate proportion than one in ten.

Mr. *Charles Villiers* could not admit that the present was a question between wealth and health. He thought that these factory regulations proceeded on the false principle that the poor were more indifferent to the welfare and happiness of their children than the rich, an assumption which his experience led him to deny. The promoters of this Bill were acting on a principle which must strike at the root of the domestic government of the poor, for the Bill deprived parents of the right to dispose of the time of their children to the best advantage. He was as anxious for the protection of the factory children as any other hon. Member of that House, but he thought, nevertheless, that there were many objectionable points in the proposition before the House. It went the length of saying to the parents of children, "Your necessities drive you to send your children to work, yet we will deprive you of that power of augmenting the means of subsistence for your family, without, at the same time, providing you with a substitute." Now, he thought that there was something very inconsistent in such legislation as this. He was not for working the factory children too long; nothing could be more foreign to his views; but he thought that while there was a tax on the great necessary of life, which prevented the poor from feeding their families, a partial system of legislation such as this should not be adopted. Let hon. Members who wished well to the operatives consent to a repeal of the corn laws. No one ought to support a Factory Bill like the present, unless prepared to repeal the tax on corn.

Colonel *Thompson* said, if the manufacturing interest had for twenty years together put a tax on home grown corn, and the result had been that the agricultural labourers had been reduced by competition among themselves to great distress, he wondered whether the agriculturists would have invented no better remedy than asking for an Act to regulate the hours of agricultural labour, to prevent the plough-men, and plough-women, and plough-children from being overworked. He suspected they would have hit upon something much more substantial; he therefore rejoiced that his hon. Friend (Mr. Villiers) had broken the ice upon a topic which he had begun to be afraid had by common consent been banished from the debate. He hoped the manufacturing interest, both operatives and capitalists, would in time see the advantage of turning the tables on their opponents, and that they would not fail to make some use of the parallel he had now supplied to them. Having been applied to by the working classes as one they deemed their friend, he felt some difficulty in deciding how to vote, because whichever way he did it, there were some that would say they had expected better things from him. On the one hand, it would be painful to vote against the expressed opinions of the working classes as to what they thought best for themselves; and on the other, he could not think of doing anything that should be construed into giving in to the miserable delusion which had induced the operatives to accept the Factory Act at the hands of those he must call their adversaries, in lieu of demanding the removal of the prohibition on foreign trade which was at the bottom of their sufferings. He should certainly have voted against the original Factory Act; but since that folly impossible not to conclude from this statement that a great portion of the children certified to be twelve years of age were really below that age. In corroboration of this surmise, he would state, that, during a recent visit to a mill in the neighbourhood of Glasgow, Mr. Horner, the inspector, was examining the children, and on inquiring for the certificate of a boy apparently not twelve years old, he received one stating him to be twelve and a-half. His younger brother then came forward, and his certificate attested him to be twelve! The Parliamentary Returns presented a similar result with regard to young persons of eighteen years of age, who were allowed to work more than twelve hours per day. In Lancashire, the number certified to be seventeen years of age was 6,503; of eighteen, 8,463; and of nineteen, 6,772. In Derbyshire, the number seventeen years of age was, 226; of eighteen, 437; of nineteen, 268; and of these there were in Glossop, of seventeen, 165; of eighteen, 354; of nineteen, 198. It appeared exceedingly singular that there should be so many young persons of the age of eighteen in Glossop; but a case, however, which was brought before the magistrates against one of the large manufacturers there, for over-working children elicited the explanation. On examining the certificate-book of that gentleman, whose name he would not mention, being anxious to avoid all personalities, it was found that it contained no fewer than sixty-six cases of children certified in 1834 to be twelve, thirteen, fourteen, and fifteen years of age respectively, who in 1835 were certified to be eighteen years of age. He would next advert to the fact, that the Returns regarding children employed in silk-mills, to which the restriction of twelve years of age did not extend, did not exhibit the same difference with respect to the numbers of the different ages employed. In Cheshire, the Returns state that there are employed in silk-mills, children of twelve years of age, 790; of thirteen, 791. In Leek, of twelve, 117; of thirteen, 118; and in Scotland, of twelve, 51; and of thirteen, 52. With these facts before them, it was impossible to avoid the conclusion that the Act was ineffectual for the protection of the class for whose benefit it was stated to have been passed. Indeed, Mr. Horner stated, in his Report, that full one-third of the children employed in his district had obtained certificates of being twelve years of age by deceptions practised upon the surgeons. With all this proof of the ineffectiveness of the present Bill, it might have been expected that the right hon. Gentleman would have come down to the House to enforce, and not to repeal, the protection given the children. But when asked, on the introduction of the measure, he said it was his intention merely to place the Act as it stood upon the 1st of March last. And upon what grounds, and on whose part did the right hon. Gentleman take this course? Had there been any petitions presented in favour of this measure? No! But numerous petitions had been presented against it. This day was presented against it one signed by 35,000 from Manchester, another by 15,000 from Glasgow, another by 9,000 from Leeds, by 8,000 from Stockport, by 4,000 from Ashton, and by 3,000 from Warrington. Surely the noble Lord at the head of the Home Department, who called upon the House not to vote for the motion of the hon. Member for Southwark (Mr. Harvey) on the Pension List, because there were only two small petitions in its favour, would give the weight of that argument to the Bill, and recommend his right hon. Colleague to withdraw his Bill, as it was unsupported by any petition, and opposed by the loudly-expressed desires of the great body of the people. The hon. Member for Bolton said, though there had not been petitions there had been memorials and deputations. True! The parties whose interests the right hon. Gentleman advocated, had had recourse to another mode of proceeding. Instead of publicly making known their wishes to this House, they had privately memorialized the Board of Trade; and, in acceding to their wishes the right hon. Gentleman became the advocate of the masters, instead of the arbitrator between the two parties. He ought not to occupy such a position. But, perhaps, the right hon. Gentleman might say, that it was not upon these memorials, but upon the Reports of the Inspectors, that he had been induced to bring forward his Bill. If so, why did he not adopt the other alterations they proposed? Why did he not take the advice of Mr. Rickards, and do away with the distinction between two classes of children, which that Gentleman said could not be maintained? "I believe too," said Mr. Rickards, "that the limitation of one class of children to a certain number of hours, and another class to another, in the same mill, can never be put in force by legal or official means. Evasion is so easy in the interior of mills, and detection so difficult, that when private interests combine, the vigilance of public officers, if not always on the spot, may, and will be continually defeated." Why did not the right hon. Gentleman do away with the Education Clauses, which were on all hands allowed to be impracticable? Mr. Horner and Mr. Saunders both stated in regard to these clauses, that they were the great error of the Act; and if attempted to be put in force would cause the dismissal of all the children liable to them. And, above all, why did the right hon. Gentleman not limit the most unconstitutional powers which the inspector at present possessed, and which Mr. Rickards declared to be contrary to principle? Why, if the right hon. Gentleman professed to proceed upon the Reports of the inspectors and not upon the representations of the masters, did he not propose these and other alterations suggested by the official gentleman? The reason was evident. He was anxious to relieve the manufacturers from an immediate and pressing difficulty, and he feared, lest by introducing other alterations, public attention might be directed to the subject. He would advise the right hon. Gentleman to open up the whole question of factory labour, and to introduce such a Bill as would be practicable—not injurious to the masters, and just and beneficial to the operatives, and in that he should be happy to lend the right hon. Gentleman his humble but hearty assistance. But to the present proposal he felt it his duty to give his strenuous opposition; for he was quite at a loss to tell what new arguments had been or could be advanced, which were not known before the passing of the present Act. Were they to be told that parents and masters would concur in endeavouring to obtain, the one as much money, and the other as much work as possible out of the children? This had been long ago proved from the Commissioners' Report. The hon. Member quoted several passages showing that the parents of the children stimulated them to extraordinary exertions, by holding out to them a hope of having the produce of the extra hours for themselves, of which the parents afterwards defrauded them. Nor was this desire on the part of the parents to derive a profit from their children at all times dictated by necessity, as the hon. Member for Wolverhampton wished the House to believe; he had known instances of men earning 30*s* or 40*s*. per week, who were extremely anxious to have their children introduced into the mill before the age permitted by law. "And why not?" some hon. Gentleman might ask. "It does the children no harm; they are as happy and as healthy as children can be." The extracts read by the noble Lord, the Member for Dorsetshire, from the medical evidence, led to an opposite conclusion. In addition, he would trouble the House with the result of the careful examination made by Dr. Hawkins, of two schools in Manchester. He reported—

> "In order to ascertain the state of health of the youthful factory classes, compared with youth in other conditions, I made a careful examination of the Bennett-street Sunday School, at Manchester, in which abundance of all trades exists. I accordingly took an account of 350 of both sexes not engaged in factories, and of 350 of both sexes engaged in factories. Of the former, several remain at home and do nothing; some are in service; some are dress-makers; some engaged in warehouses and shops. Their age varied from nine years to twenty for the most part. Of the 350 not in factories, twenty-one had bad health, eighty-eight had middling health, and 241 had good health; but of 350 in factories, seventy-three had bad health, 134 had middling health, and 143 had good health.
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> "Again, at the St. Augustine's Sunday School, at Manchester, I compared fifty boys engaged in factories, with fifty boys not in factories; some of whom lived at home doing nothing, while others were engaged in shops and in various trades. Of the fifty not in factories, one had bad health, eighteen had middling health, and thirty-one had good health; but of the fifty in factories, thirteen had bad health, nineteen had middling health, and eighteen had good health.
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> "It will be seen that the advantage of health is at least double at these institutions on the side of those young people who are not engaged in factory work. The information afforded towards this comparison by the registers of sick clubs or benefit societies, is not conclusive, since these sick clubs usually contain all classes indiscriminately. The average quantity of illness for every member of the Bennett School Sick Club, during the year 1832, was one week, one day, and six hours; but about one-half of this club is composed of youth not engaged in factories. It appears to me also, that factory children are usually very slow in coming on the sick list of these clubs; they usually go on working to the last possible moment, so eager are the parents to secure their wages!"

The weight of this evidence, however, was attempted to be shaken by the masters, in what was called an authentic document, which had been sent round to hon. Members—being the statement of a sick fund connected with a Sunday School at Bolton, from which it appeared that there was less sickness and death among the cotton spinners than among the operatives of other trades. The statement was as follows:—

Subscribers.			Relief.				Deaths.	
	Cotton Mill Operatives.	Other Trades.	Cotton Mill Operatives.	Amount.	Other Trades.	Amount.	Cotton Mill Operatives.	Other Trades.
1833	284	268	58	45 14 6	89	75 17 3	3	3
1834	277	272	42	32 10 3	95	75 17 1	1	5
1835	283	244	40	32 3 0	75	51 19 0	0	1!!

Similar statements were made twenty years ago, and in answer to one of them, the right hon. Member for Tamworth indulged in a strain of irony so good humoured and so pointed, that I will venture to read it to the House:—

> "The instances produced from the evidence were certainly strong enough to support the most unqualified of the assertions which had been made as to the healthiness of cotton mills. One of the instances was that of a mill at Glasgow, in which, he believed, an hon. Gentleman opposite (Mr. Finlay) was concerned. It was given in evidence, that in this mill, 873 children were employed in 1811, 871, in 1812, and 891, in 1813. Among the 873 there were only three deaths; among the 871, two deaths; among the 891, two deaths; being in the proportion of one death in 445 persons. So very extraordinarily a small proportion had naturally excited the astonishment of the Committee, and, therefore, as was to be expected, they questioned medical gentlemen as to the proportion of deaths in different parts of the kingdom. When this statement was shown to Sir Gilbert Blane, he expressed his surprise, and observed, that if the fact was not asserted by respectable persons, he should not believe it; and being asked why he distrusted it, he said that the average number of deaths in England and Wales, was one in fifty (in 1801 there had been one in forty-four). There were favoured spots certainly, Cardigan, in which the deaths were as one in seventy-four; Monmouth, in which there was one in sixty-eight; Cornwall, one in sixty-two; and Gloucester, one in sixty-one; yet, in cotton factories, they are stated as one in 445! In one of Warton's beautiful poems, which begun with these lines,
>
> Within that mountain's craggy cell
> Delights the goddess health to dwell?
>
> After asking where the abode of this coy goddess was to be found, whether on "the tufted rocks" and "fringed declivities" of Mortlock, near the springs of Bath or Buxton, among woods and streams, or on the sea-shore, it certainly would have been an extraordinary solution of the perplexity of the poet, if, when he inquired—
>
> In what dim and dark retreat
> The coy nymph fixed a fav'rite seat?
>
> it had been answered, that it was the cotton-mills of Messrs. Finlay and Co., at Glasgow; yet such was the evidence respecting this mill, that its salubrity appeared six times as great as that of the most healthy part of the kingdom. This was the sort of evidence which had been brought to disprove the evidence of disinterested persons, of medical men, and even of persons who had an interest opposed to the measure before the House.

The hon. Member for Leeds said, factory children were well fed, and well clothed, but in a letter to Mr. Rickards by Mr. Harrison, a surgeon of Preston, whose authority must be conclusive, as he states he had measured and weighed upwards of 1,200 factory children, it was asserted,

> If factory children were as well fed and clad as other children, and if their abodes were as cleanly and as well ventilated as those children employed in other branches of labour, I believe that few employments would be found equally healthy.

He would appeal, however, to higher considerations than those which had reference to these children, as mere animals, brought into the world for the sole purpose of spinning thread and weaving calico. They were moral agents, endued with powers of mind, in the improvement of which the whole of the social system was materially interested. To what was it owing, that machinery was brought to such a state of perfection? To The effects of mind. And the individuals connected with its daily operation had time to combine with the exercise of physical power, the workings of mental ingenuity, who could tell what new triumphs of genius—what new developments of our resources might be manifested? The present system crushed all the exertions of men of science and benevolence. It was in vain to offer to young people working twelve hours a day the advantage of mechanics' institutions or village libraries. They were worn out with fatigue and could not read; and if, in consequence, they formed habits of intemperance, who could wonder, and upon whose head would fall the responsibility? Ought it not to rest, in some degree, upon the House, if it sanctioned a proposition by which the children should be deprived of the opportunities of education? And was it, at this time of unexampled prosperity, that we were to be called upon to make this sacrifice of the intellect and the physical energies of our youthful population? He had intended to have considered the argument respecting foreign competition; but seeing the desire of the House to come to a division, he would only say, that since the first Factory Bill was passed in 1819, the import of cotton had more than trebled, and though the mill belonging to the hon. Member for Manchester, which spins for the Russian market, had been reduced by law from seventy-seven to sixty-nine hours of working per week, the export of yarn to Russia had increased from 4,500,000*l.* to upwards of 18,000,000*l.* per annum, notwithstanding the reduction of hours, and the protective duty of 6*d.* per pound, which the Russian Government had imposed upon all yarn imported into that country.

Mr. *Bolling* said, those who like him advocated a moderate system of legislation, were pointed at as persons acting contrary to the dictates of humanity; but that he denied; and he knew it would be believed in the district to which he belonged, that there was nothing he said in the House, which he should not be prepared to assert, maintain, and answer for, out of the House. The hon. Gentleman who had just sat down had adverted to the gentlemen who came to London as a deputation, charging them with a want of sufficient boldness; but such an accusation came with a bad grace from him, a manufacturer, and well acquainted with those gentlemen, who certainly were not liable to the imputation he was, who, reading the law, and knowing it, yet acted in violation of it, as was shown by the evidence on the Table. He certainly would not have alluded to that subject, but for the charge of insincerity which the hon. Member had made against his Majesty's Government: such an accusation, if just, could not apply to himself; because he was not among the advocates of the measure of 1833, and he stated his opinion to that effect when it was before the House. Since that time, an improving spirit had sprung up in the consideration of this measure; and he rejoiced to see the calm and dispassionate manner in which it was now discussed. He would not refer the House to the evidence of the medical men: doctors differed on this subject as on most others; but he would refer to the sequel of the evidence laid upon the Table of the House three years ago, and widely circulated. This was a document against which mere theory could not stand; it came from the most unquestionable source, and it showed the condition of the population of the borough he represented, which might be taken as a fair specimen of the state of other manufacturing districts. In legislating on behalf of the children, the House had gone beyond its own intention. They had a right to be raised to an equality with the other residents in the community,—but the House had raised their condition 100 per cent. above their fellows, and—all the while led away by false humanity, those who did it believed they were conferring the greatest benefit upon them in so doing; instead of which, they had merely driven them from one trade to another, which was worse for their health, and worse for them in every other respect than that from which they had been driven. He called upon the House, therefore, to make a stand, by which it would best meet the wants of those for whom it was legislating. All the operatives wanted was some restriction; they were satisfied that the factory labour did not injure a child of ten years; the document he alluded to proved it beyond disputation. It was for the House and the country to consider whether they would continue a restriction which had not been acted upon hitherto, and which if it were acted on would throw 35,000 children out of employment. The concern to which he belonged employed 1,400 hands, and it would be obliged to discharge at least 250 of them if this Act were enforced; and where would those persons go? Was it for their benefit to be deprived of employment? Not for the benefit of their health, certainly, for no trade could be more healthy than the cotton trade. The hon. Member who spoke last, alluding to a meeting at Bolton, asked where are the clergymen of the district to be found; he would tell the hon. Member that the clergyman of his parish was always on the spot; he went every morning to the infant school in which there were no less than 150 children; he regularly attended and delivered a lecture at the workhouse once in every week; he attended a parochial meeting every Saturday at the library, for the purpose of seeing that proper books were distributed; he attended the savings' bank on the same day, so that he was pretty well qualified to judge of the state of the parish with respect to education; and the children in the Sunday-school, perhaps receiving no other education, were as well qualified to read their Bible, the only true source of all true education, as any others? All education beyond that was a matter of opinion; though some persons appeared to him disposed to fill the minds of the working classes with a species of knowledge which was like giving people drams instead of good sound home-brewed ale. He was disposed to support the measure of the right hon. President of the Board of Trade, because it was the better of the two. There must be a relaxation of the present Bill. The only question then was, how shall we accomplish it? If the House had taken a false step, let it repeal the clause, and the best results would follow. It was better that the children should work under the care of the parents; and if the legislature prevented this, it would do an injustice both to the parent and to the child.

Mr. *John Fielden* could not suffer this debate to close without offering a few observations to the House; for if there was any subject discussed in that House, which he (Mr. Fielden) was acquainted with, it was this one, as he was so extensively engaged in manufactures himself, that he could not but thoroughly understand the necessities and condition of the working people engaged in them. The hon. Member for Bolton had boasted of the superior condition of the factory hands of Bolton over other classes living in that borough; but before he would listen to the comparison, he must know what was the condition of the people against whom the hon. Member compared the factory hands. Now, he happened to recollect that a Committee of this House had sat for two years to examine into the condition of the hand-loom weavers, and as a Member of that Committee he could assert, that it was proved that one-half of the inhabitants of Bolton were hand-loom weavers, and moreover, that they and their families lived throughout the year upon an average sum of twopence three farthings a head per day. Why, he knew this fact; it was proved to the satisfaction of the Committee; let hon. Members contradict it if they could. But if this be the case, what became of the comparison; it was good for nothing; for it was only comparing the factory hands of Bolton with a large body of the poorest possible community. He said nothing, therefore, in favour of factory labour at Bolton; and he (Mr. Fielden) would say, that so futile a comparison ought not to sway the House for a moment, and then he would put it to hon. Members whether they had not heard enough this evening to determine them to resist the Bill of the right hon. President of the Board of Trade. That right hon. Gentleman had said, that 35,000 children would be thrown out of work if this Bill did not pass. He was convinced that not thirty-five would be thrown out of work by throwing out the Bill. He felt satisfied of it as a manufacturer. Again, the House was told that the manufacturers would suffer by yielding to the noble Lord's (Ashley's) amendment. This was the worst appeal that could be made to the House; for he was sure that if there was a spark of humanity in it, the House would never set private interests against the life and happiness of these poor little over-worked children. At any rate, he as a manufacturer, and a large one, too, would say that he would throw manufactures to the winds rather than he would balance for a moment. But the House would do its duty; it would not drive back these 35,000 little children to labour incessantly for twelve hours a day, with an addition of the time they often had to spend in walking to and from their homes. It surely would not do this! Allusion had been made, in the course of this debate, to the statement of Mr. M'Williams as to the number of miles that a little child had to walk in a factory. It was stated at fifteen miles. Now, he recollected, that at a meeting of Members of Parliament and operatives at Manchester last December, similar calculations had been brought to the attention of himself and the Members of Parliament present, by the operatives. One had made a statement, showing that a child in one mill walked twenty four-miles in the day, merely walking after the machine. He was surprised at this statement, and he observed that few could believe it possible. He, however, was not satisfied until he had tried its correctness; and, therefore, when he went home, he went into his own factory, and with the clock before him, he watched a child at her work, and having watched her some time, he then calculated the distance she had to go in a day, and to his surprise he found it to be nothing short of twenty miles. Talk to him of lightness of factory work after this! It was monstrous. And yet it was this that the hon. Member for Bolton wanted. He called on the Government, on the contrary, to enforce the present Act, and not attempt to repeal it; to send more inspectors down into the cotton districts, and have it put in force rigidly. All the work-people worked harder than they ought to do; but the children were unmercifully treated. The inspectors had given their opinion as to what quantity of work a child could bear, and they had referred also to medical men in the districts where they were employed. But he would like to know who would value such evidence as this, collected by the inspectors for anything, when compared with that of such men as Sir Anthony Carlisle, Dr. Farr, Mr. Green, Dr. Blundell, and the other eminent men who had pronounced our factory system to be nothing short of infanticide? There had never yet been an efficient Act of Parliament on this subject, and if he had to bring in one, it should not allow more than ten hours' labour for any age in factories. We were told of foreign competition. He believed it to be the greatest humbug in the world! But this was "political economy." Now, we had been warned by one of the able physicians examined by the Committee, that we have no right to trench on "vital economy" to support "political economy;" and he would say, that, if this House would pass this Bill and make these poor little children go back into slavery, then it wanted another reforming. But what did the political economists say: when the Noble Marquess (Chandos) brought on his motion about agricultural distress, they said it would not signify if England did not grow a bushel of wheat or barley, so prosperous were manufactures, and so completely were we independent of the land; and yet it seems that we cannot go on in manufactures without working these poor little children for twelve hours a day! That was our prosperity! His fear was that this was only a beginning of a total repeal of Lord Althorp's Act, and that the right hon. Gentleman would bring in a Bill next year to repeal that Act. He knew that the present Act was inconvenient but it did, in some measure, save the little children. It was inconvenient, but it was not impracticable, as it was called. He (Mr. Fielden) knew it, for he observed every clause of it himself, schooling clause and all. But he had always known that the "relays," as they were called by those who speak of the working people as they speak of cattle, could not be had. His opinion, however, as a manufacturer, and as one of some feelings of humanity, was, that Lord Althorp's Act ought to be maintained and enforced, and if it was repealed by this night's vote, he would go on working for a Ten-hours Bill, and he would never cease while he had life. We had always been told that shortening the hours of labour of these poor children would ruin us. When the hours were ninety hours a week, eighty-nine hours, seventy-two hours, sixty-eight hours—at every time when we wanted them reduced—our opponents have said the lessening the time would ruin us; and yet we have shortened them: and we are told now that we are more prosperous than ever. Then he asked the House if such predictions were not false, and he implored it to adopt the amendment of the noble Lord.

Sir *Robert Peel* wished to separate the appeal which the hon. Member for Oldham had made to the reason and deliberate judgment of the House, from that which he had made to their passions; an appeal, he must say, however, which, standing as the hon. Gentleman did, free from the imputation of all interested motives, came from him with peculiar grace. There was no speech that had been delivered that night, however creditable it was to the hon. Gentleman who pronounced it, that had so great an effect in convincing him of the impropriety of acceding to this motion, as the speech of the hon. Member for Oldham, unless, indeed, it was that of the hon. Member for Ashton (Mr. Hindley). What was the result of the argument of that hon. Member, a Bill passed in 1833, which provided that the children under the age of thirteen should not work more than eight hours a-day in cotton factories. That Bill assumed, that there could be two relays of children, and the mills might consequently work sixteen hours a-day. The hon. Gentleman, however, admitted, and he understood the hon. Member for Oldham to be of the same opinion, that this system of relays was impracticable, so that the law in effect prohibited working more than eight hours a-day. He had come down to the House perfectly unfettered, and uncertain what course he should pursue. He had received several communications upon the subject, and seen several parties, but had avoided to pledge himself upon a question which had appeared attended with so many difficulties. The two speeches he had already referred to had, however, convinced him that some alteration was necessary. That legislative interference was necessary he was convinced; because he was afraid that the natural affection of parents in this case was not to be trusted. The point to be gained was to regulate the hours of labour, so that the law should, on the one hand, prohibit the undue working of children, and, on the other, not impose any unnecessary restrictions on the mill-owners, which might operate as a check on this great branch of national industry. The right hon. Gentleman ought not to have limited his Bill to the single point to which it referred, because the present law had been found inoperative in several respects; but if he rejected the proposed amendment of the law, though he thought it did not go far enough, he should imply that he was content with the law as it stood, which was not the case. By voting for the Bill, however, he should still preserve his right to alter it in Committee, and at the same time prove his readiness to amend the present law, should he even act as a friend of the children by refusing to alter the law. The hon. Member for Oldham had stated, that he knew of 3,000 cases of false certificates granted, in the district of the country with which he was connected, by which children under age evaded the law. Now, ought the House to be satisfied with such a state of things? Even the hon. Member for Oldham himself, firmly as he opposed the right hon. Gentleman's motion, had proved that he was not satisfied with the law as it stood. He told the House that the practical effect of the Act was to reduce the number of working hours to eight, while, in his opinion, the number should be ten. The hon. Member added, that he would not be satisfied until he succeeded in procuring a Ten Hours' Bill. If so, why did he resist the present motion? "Oh," said the hon. Gentleman, "I resist it because I think that by keeping in force an absurd law— a law which must in the long run prejudice the masters,—I shall compel them to submit to my wishes." Now was that the fair way to legislate? Was that the way to make the law respected? The hon. Member thought the present law absurd, and yet he was prepared to vote for its continuance. Other hon. Members, he was sorry to say, supported the hon. Member for Oldham; and prominent in the list stood the hon. and gallant Member for Hull. That hon. Member had compared the dispute about the hours of child-labour in factories to that which existed "'Twixt Tweedle-dum and Tweedle-dee." He should only say, that had the hon. Member enacted the part of Tweedle-dum-*b* on the present occasion, he would have shown more wisdom. If the existing law was bad, here was a proposition for its amendment; for the title of the Bill was, An Act to amend the Acts for regulating the labour of young persons employed in factories. That title would admit of any amendment of the law. It would admit of an amendment with respect to the granting of certificates. If that part of the law which required the production of certificates as to age were worth anything, it ought to be enforced. At present no penalty could be inflicted upon a person who might grant a false certificate, unless an information were laid within fourteen days from the commission of the offence. The inspectors reported, that under this restriction it was almost impossible to visit the offence with punishment. After reading the Reports of the Commissioners, and seeing the manner in which the law was violated, it was impossible, on the score of humanity, to leave the law in its present state. He must say, that the inspectors, judging from their Reports, appeared to be disinterested witnesses, and to give their evidence free from any undue bias. Mr. Horner stated, and he was confirmed by the testimony of Mr. Howell, that, through the abuse of certificates, the provisions of the existing Act were constantly violated by the employment of children in factories, under the age limited by the Statute; and that new provisions might be devised for obviating these infractions of the Act. Now he appealed to his noble Friend (Lord Ashley), for whose intentions he entertained the utmost respect, and he asked him whether he was content to leave the law in its present state, when Mr. Horner said that an amendment would prevent it being evaded. He knew that it was necessary to take some precaution against the cupidity of parents, and he thought that that might be done by a more simple law than the present. He thought it would be preferable to the existing law to declare, that no children below a certain age should be allowed to work in factories (making provision at the same time against the granting of false certificates), and then to prescribe the number of hours during which all persons above that age should work. By sanctioning the system of relays of children, we hold out an inducement to adults to overtax their strength, for they would then work sixteen hours a-day. Then, again, how could the system of relays be extended to remote districts? There were a great number of mills in England not in the vicinity of large towns, and which did not work by steam, but by water-power. Suppose one of these with a hundred hands, and forty children, how could the relay system be extended to it? The restrictions here gave no security, for the law could not be acted on. Why, then, preserve a clause which, if not carried into effect, might, in consequence of its frequent violation, bring into disrespect and contempt those which might otherwise prove operative? Supposing the system of having two sets of children to work eight hours each were adopted, would not a premium be held out to adults, on whom no restriction was imposed, to tax their powers to the utmost, in order that by working double they might obtain that degree of employment their wants would require. While, therefore, they professed to support the children working in factories, by compelling the masters to adopt the system of relays, they would be doing an act of great injury to the adult labourers. Then with regard to schools, as they would be affected by the relay system. Was the school to be connected with the factory? If not, it must be but a short distance from it? Was the school to be opened during the entire time of labour? If not, you have made no corresponding provisions for the hours of work and the hours of education. As he understood the proposition of the right hon. Gentleman it was this:—That children under twelve years of age should continue subject to the present law (or, in other words, that their period of labour should be eight hours), but that children above twelve years might be called on to work for sixty-nine hours a-week, or twelve hours for five days, and nine for the sixth, being Saturday. He thought that even with this amendment the law would be in an unsatisfactory state, but feeling that it was quite impossible to please all parties, and that the cure was not quite so bad as the disease; feeling, also, that the existing law was not consistent with humanity; he was willing to entertain the right hon. Gentleman's proposal. Then, one word as to the danger of foreign competition, said to be likely to result from this question, and urged as an argument against it. The danger of competition was a perfectly good ground for reducing the duty on cotton-wool, but the danger of competition was not a good ground for endangering the health of the factory children. He was quite opposed to the adoption of any severe restrictions on labour, from the belief that they were calculated to undermine the commercial energies of the country, and thereby to strike a blow against the happiness and comfort of the people; but when he was asked whether he would resist any attempt at amendment, or whether he would support the continuance of the present law, he felt bound to say he was conscious of the necessity of amendment, and, therefore, that he would vote for the proposition of the right hon. Gentleman.

Lord *Francis Egerton* felt altogether disinclined to join with those who attempted to throw discredit on the course taken by his Majesty's Government, although, at the same time, he entertained the opinion that the proposition of the right hon. Gentleman who acted as its organ was by no means adequate to meet the defects which the existing law permitted. His intention was to vote in favour of the original motion; but, following the example of his right hon. friend, the Member for Tamworth, he would not pledge himself to be confined by the precise terms of the amendments, the right hon. Gentleman, the President of the Board of Trade, had in contemplation. He would only further observe, that he should be very apprehensive of any measure upon the subject under consideration, which left out of view the question of foreign competition.

Mr. *Finch* differed, with regret, from the right hon. Member for Tamworth, for he was convinced that the Bill ought to be negatived. In voting against it, however, he did it with the hope, that a really efficient measure would speedily be brought forward.

Mr. *Goulburn* said, that although he, for the most part, concurred in the argument of his right hon. Friend, the Member for Tamworth, he could not concur in the vote he intimated his intention of giving

In voting against the right hon. Baronet, he felt the greatest distrust in his own judgment; but after having heard the discussion, he felt he had no alternative but to give his support to the amendment. He quite concurred with his right hon. Friend in thinking that the original Factory Bill of 1833, called for great and considerable amendment; and if the right hon. Gentleman opposite were then proposing to the House a Bill for the purpose of generally amending that measure, he would have given him his support; but when he was called upon only to amend the Bill so far as to subject children under thirteen years of age to twelve hours' labour, he contended the question then took a totally different shape. In his view it was the duty of the House not to repeal the clause, the repeal of which the right hon. Gentleman viewed as indispensable, but to amend the other parts of the Bill, which the right hon. Gentleman admitted were objectionable, he felt it impossible to lend his support to the proposition. They were told that great frauds were perpetrated under the cloak of the existing law; but in his opinion, the opportunities for the commission of fraud would be far more increased than diminished, by the adoption of the right hon. Gentleman's proposition. Under this view of the case, therefore, he felt called upon to support the amendment of his noble friend.

Mr. *Wakley* said, it was evident that a conspiracy had long existed to evade the provisions of the Factory Act, and the right hon. the President of the Board of Trade, instead of endeavouring to enforce its provisions more effectually, now came down with a Bill to destroy one of the most important parts of the Act. He hoped and trusted that the House would, upon every principle of sound justice and humanity, reject such a proposition.

Mr. *Poulett Thomson* assured the House, that he was most anxious to cooperate with hon. Gentlemen opposite in any measure likely to render the law on this subject operative and effectual. The great evil of the law, as it at present stood, was, that it had thrown a large number of children out of work. The number stated was 25,000, and the statement had not been contradicted; that was an evil which, for the sake of the children, ought to be remedied. If the Bill went into Committee, he should be most willing to lend his best attention to any amendments which might be proposed in respect to certificates and other regulations, to prevent deception and fraud.

The House divided on the original Motion:—Ayes 178; Noes 176:—Majority 2.

List of the AYES.

Adam, Sir C.
Ainsworth, P.
Astley, Sir J.
Baines, E.
Bannerman, A.
Barclay, D.
Baring, F. T.
Baring, W. B.
Barron, H. W.
Barry, G. S.
Beckett, Sir J.
Bellew, R. M.
Bentinck, Lord G.
Biddulph, R.
Blackburne, J.
Blamire, W.
Blunt, Sir C.
Bolling, W.
Bowring, Dr.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Buller, Sir J. Y.
Burrell, Sir C.
Burton, H.
Byng, G.
Byng, rt. hon. G. S.
Campbell, Sir J.
Campbell, W. F.
Cavendish, hon. C.
Cavendish, hon. G. H.
Chalmers, P.
Childers, J. W.
Clive, E. B.
Colborne, N. W. R.
Cole, Lord
Collier, J.
Cowper, hon. W. F.
Crawford, W.
Crawley, S.
Curteis, H. B.
Curteis, E. B.
Dalmeny, Lord
Denison, J. E.
Divett, E.
Donkin, Sir R.
Duncombe, T.
Dundas, hon. T.
Dundas, J. D.
Dunlop, J.
Ebrington, Lord
Egerton, W. T.
Egerton, Sir P.
Ellice, right hon. E.
Entwisle, J.
Evans, G.
Ewart, W.
Fazakerley, J. N.
Fielden, W.
Fergus, J.
Ferguson, R.
Fitzroy, Lord C.
Forster, C. S.
Gisborne, T.
Gordon, R.
Graham, rt. hon. Sir J.
Greene, T.
Grey, Sir G.
Hale, R. B.
Hastie, A.
Hawkins, J. H.
Hay, Sir A. L.
Heathcoat, J.
Heneage, E.
Heron, Sir R.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Holland, E.
Horsman, E.
Houldsworth, T.
Howard, hon. E.
Howard, P. H.
Hume, J.
Ingham, R.
Johnstone, Sir J.
Johnstone, J. J. H.
Kearsley, J. H.
Knight, H. G.
Labouchere, rt. hon. H.
Lee, J. L.
Lees, J. F.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Loch, J.
Long, W.
Lowther, Lord
Lynch, A. H.
Mackenzie, S.
M'Leod, R.
M'Namara, Major
M'Taggart, J.
Mahar, J.
Marjoribanks, S.
Marshall, W.
Maule, hon. F.
Morpeth, Lord
Mullins, F. W.
Murray, rt. hon. J. A.
Nagle, Sir R.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
O'Loghlen, M.
Oswald, J.
Parker, M.
Parker, J.

Parnell, rt. hon. Sir H.
Parrott, J.
Parry, Sir L. P. J.
Patten, J. W.
Pease, J.
Peel, rt. hon. Sir R.
Pelham, hon. C. A.
Pendarves, E. W. W.
Philips, M.
Philips, G. R.
Pinney, W.
Potter, R.
Power, J.
Price, Sir R.
Pryme, G.
Pusey, P.
Reid, Sir J. R.
Rice, rt. hon. T. S.
Ridley, Sir M. W.
Roche, D.
Rolfe, Sir R. M.
Russell, Lord J.
Russell, Lord
Ruthven, E.
Ryle, J.
Sandon, Lord
Sanford, E. A.
Scott, Sir E. D.
Scott, J. W.
Scrope, G. P.
Seale, Colonel
Sheppard, T.
Smith, R. V.
Speirs, A.
Stanley, Lord
Strutt, E.
Stuart, Lord J.
Stuart, V.
Talbot, J.
Thomas, Colonel
Thomson, rt. hn. C. P.
Thornely, T.
Trelawney, Sir W.
Troubridge, Sir E. T.
Turner, W.
Villiers, C. P.
Vivian, J. H.
Walker, R.
Warburton, H.
Ward, H. G.
Wemyss, Captain
Westenra, hon. H. R.
Winnington, H.
Wood, C.
Wortley, hon. J. S.
Wrightson, W. B.
Young, J.

TELLERS.

Steuart, R.
Stanley, E. J.

List of the NOES.

Aglionby, H. A.
Agnew, Sir A.
Alford, Lord
Alsager, Captain
Angerstein, J.
Ashley, Lord
Attwood, T.
Bagot, hon. W.
Baillie, H. D.
Balfour, T.
Baring, T.
Barnard, E. G.
Bateson, Sir R.
Benett, J.
Bentinck, Lord W.
Bethell, R.
Bewes, T.
Blackburne, I.
Bonham, R. F.
Borthwick, P.
Bramston, T. W.
Brotherton, J.
Brownrigg, S.
Bruce, C. L. C.
Bruen, F.
Buller, C.
Buxton, T. F.
Canning, rt. hon. Sir S.
Cayley, E. S.
Chandos, Marquess of
Chaplin, Colonel
Chapman, A.
Chichester, A.
Churchill, Lord C.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Compton, H C.
Corbett, T. G.
Crawford, W. S.
Darlington, Earl of
Dillwyn, L. W.
Dottin, A. R.
Dowdeswell, W.
Duffield, T.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, Lord F.
Elley, Sir J.
Elwes, J. P.
Ferguson, G.
Fielden, J.
Finch, G.
Fleetwood, P. H.
Fleming, J.
Foley, E. T.
Forbes, W.
Fremantle, Sir T.
Freshfield J. W.
Gaskell, D.
Gaskell, J. M.
Gladstone, T.
Gladstone, W. E.
Gore, O.
Goring, H. D.
Goulburn, rt. hon. H
Grimston, Lord
Grimston, hon. E. H.
Gully, J.
Halford, H.
Hamilton, Lord C.
Hardinge, rt. hn. Sir H.
Hardy, J.
Harland, W. C.
Harvey, D. W.
Hector, C. J.
Henniker, Lord
Hill, Sir R.
Hogg, J. W.
Hope, J.
Howard R.
Hoy, J. B.
Hughes, H.
Jackson, Sergeant
Jervis, J.
Inglis, Sir R. H.
Johnstone, A.
Jones, W.
Jones, T.
Irton, S.
Kemp, T. R.
Kerrison, Sir E.
King, E. B.
Knatchbull, Sir E.
Knightley, Sir C.
Langton, W. G.
Lawson, A.
Lefroy, A.
Lincoln, Earl of
Lister, E. C.
Longfield, R.
Lowther, hon. Col.
Lowther, J. H.
Lushington, Dr.
Lushington, C.
Mackinnon, W. A.
Mahon, Lord
Manners, Lord C. S.
Marsland, T.
Maunsell, T. P.
Maxwell, J.
Mordaunt, Sir J.
Musgrave, Sir R.
Neeld, J.
Neeld, J.
North, F.
O'Brien, W. S.
Owen, H. O.
Palmer, R.
Penruddocke, J. H.
Perceval, Colonel
Plumptre, J. P.
Plunket, hon. R. E.
Polhill, F.
Pollen, sir J. W.
Pollington, Lord
Poulter, J. S.
Praed, W. M.
Price, S. G.
Pringle, A.
Robinson, G. R.
Rundle, J.
Rushbrooke, Colonel
Scarlett, hon. R.
Scholefield, J.
Scourfield, W. H.
Shaw, right hon. F.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir H.
Strickland, Sir G.
Sturt, H. C.
Talfourd, Sergeant
Thompson, Alderman
Thompson, Colonel
Townley, R. G.
Trevor, hon. A.
Trevor, hon. G. R.
Tulk, C. A.
Twiss, H.
Vere, Sir C. B.
Verner, Colonel
Vesey, hon. T.
Vivian, J. E.
Vyvyan, Sir R.
Walter, J.
Wason, R.
Welby, G. E.
Wilbraham, G.
Wilbraham, hon. B.
Wilde, Sergeant
Williams, T. P.
Williams, W.
Williamson, Sir H.
Wilmot, Sir J. E.
Wilson, H.
Wodehouse, E.
Wynn, rt. hon. C. W.
Wyse, T.
Young, G. F.

TELLERS.

Hindley, C.
Wakley, T.

Paired off.

AGAINST.	FOR.
Mr. Humphery	Mr. Beilby Thompson
E. Stanley.	General Sharpe.

HOUSE OF LORDS,

Tuesday, May 10, 1836.

MINUTES.] Petitions presented. By the Earl of HADDINGTON, from Edinburgh, in favour of the Edinburgh Poor-Rate Bill.—By the Earl of TANKERVILLE, from Newcastle-upon-Tyne, against the Punishment of Death for any Crime but Murder; and from Norfolk, Complaining of

Distress, and praying for Relief.—By the Earl of ROSEBERY, from Weavers of St. Quivox by Ayr, for the Establishment of a Board of Trade to regulate their Wages.—By the Bishop of LONDON and the Earl of BURLINGTON, from Chesterfield and Woolpit, for the Better Observance of the Sabbath.

ENTAILS, SCOTLAND.] The Earl of *Rosebery* moved the second reading of the Entail Relief (Scotland) Bill. As the subject had been very frequently before the House, it was his intention to state very shortly the provisions of the Bill, and the reasons which induced him to suppose that, if carried into effect, they would prove beneficial to individuals and the public. The Bill embraced four general heads. The first gave a power of leasing entailed lands, under circumstances in which it was not at present allowed to do so. The second granted the power of conveying lands for building purposes, on reserved leases. The third conferred the power of exchanging entailed lands for other lands of equal value; and the last gave liberty to sell entailed lands for the payment of debts contracted by the entailer of the estate. With respect to the first point, the heir in possession was not allowed, under the existing law of entail, to let his lands beyond a certain and short term, nor for a less amount than was before received for them. He was, therefore, obliged either to proceed by public auction where he was allowed to proceed in that manner, or he was restrained from letting his lands, except for a short period—in some cases for seven years, and for not more than nine years. Under these circumstances, it was impossible to induce tenants of capital and skill to take land under such leases. The Bill proposed, therefore, to allow heirs of entail in possession, to lease lands which they held for any period not more than twenty-one years. The next provision was to allow the conveying of land for the purposes of building, for the benefit of the individual who owned the land, and of his family, from which, he conceived, much good, both public and private, would be derived. At present, under almost all entails, no such power was allowed, and individuals were deprived of the benefits which were likely to result from adopting such a course, unless they came to Parliament, and obtained, at considerable expense, the necessary power to enable them to proceed; therefore, the second part of the Bill allowed the person in possession to alienate lands for the purpose of building. The clause relating to this object enacted, that unless the buildings were erected within a specified time, the bargain should be null and void, and no money be taken by the proprietor, unless a reserved rent were stipulated for himself and his successors. The next portion of the Bill gave an enlarged power: those possessing entailed lands or heritages, and having made a feudal title thereto, to exchange any portion of the entailed lands; and he believed that in many instances, great advantages would be derived from it. By the 10th George 3rd., called Molyneux's Act, a power was given to exchange lands, but in a very restricted degree. It was provided by the Bill, that where parties desired to effect exchanges between heirs of entail of two or more entailed estates, application should be made to the Sheriff, who, after proof made to him of notice having been given to such heirs, was to appoint skilful persons to inspect and adjust the value of the same; but if the entailed lands or heritages to be so exchanged should exceed fifty acres of arable land, or 1,000 acres of land, consisting of hills or other grounds incapable of culture, then the exchange of such entails must take place before the Judges of one of the divisions of the Court of Session;—the Judges being empowered to determine on the expense, and the general propriety of the exchange of the property. He had endeavoured to frame this clause so as to prevent any fraud on the part of those in possession, and care was taken that the heir-substitute should not be deprived of any advantage. The fourth great object of the Bill related to the investing those who held entailed estates, with power to sell a portion of such estates for the payment of the entailer's debts, or debts affecting the estate—a practice he understood prevailed, to a considerable extent in Scotland, which led him to think that this portion of the Bill was peculiarly necessary. As he was informed—and he had no doubt his information was correct—it was a common occurrence for a gentleman, on returning from the Colonies or the East Indies, where he may have made a considerable fortune, to be extremely anxious to buy an estate in his native country. For instance, a gentleman purchased an estate of the value of 80,000*l.*, paid down 50,000*l.*, mortgaged it for 30,000*l.*, and entailed it, and the consequence was, that his successor could not sell any portion of the estate for the purpose of liquidating the mortgage-money. He only mentioned this circumstance, in order to illustrate that part of the Bill which he held in his hand. He admitted, that the power here given was generally granted on application; but he wished their Lordships to do that by a general law which they now invariably conceded to individual application. There were also other cases of debts charged upon the estate by the contractor, with respect to which no power existed to sell for the payment of these debts. He anticipated that he should be told that, inasmuch as Parliament very seldom refused a private Act to effect these objects, that mode of proceeding afforded sufficient relief. In that proposition, however, he did not concur. In the first place, he asked their Lordships to look to the expense which it entailed upon the parties, and the application could not succeed, unless it were sustained by a certain number of assents,—for if they were not obtained, the application was refused; and he thought that this was neither just nor equitable. He considered that the imparting this power would be received with great satisfaction, and would be doing a most important service to the people of Scotland. He had taken these four heads because he thought that very little, if any, diversity of opinion existed with respect to them, on the part of those whom he had considered it to be his duty to consult. He was convinced that the time would come—indeed, he believed it to be not far disant—when a much larger relaxation of the law of entail in Scotland would be required by those who held those entails, than that which was contemplated by this Bill. He also believed, that the time was fast approaching when the prospective creation of perpetuities would be put an end to; but whatever might be the case in this respect, with regard to entails, he was not prepared, at present, to go further than was contemplated by this Bill. But he was of opinion that their Lordships would, in a very short time, be called upon, and that irresistibly, to pass an Act, rendering it impossible to lock up in perpetuity any quantity of land whatever. Although this Bill was limited in its operation. He was not the less anxious that it should receive the sanction of their Lordships; because he was one of those who was content to obtain a little good rather than hold out, because he could not obtain all he desired. With these impressions he solicited their Lordships' attention and assent to this Bill, believing it to be a measure that would prove beneficial to all individuals who were interested in entailed property in Scotland, and indirectly so to the public at large, inasmuch as it would increase the amount of capital expended on land, and would thereby afford employment to the labourers in agriculture. He begged to move that the Bill be read a second time.

The Earl of *Mansfield* said, as there is nothing objectionable in the principle of granting relief to heirs of entail, I shall not oppose the second reading of this Bill, although there are parts of it to which I have the strongest objections. Referring to the proceedings in this House, and to Bills of a more extensive description which had been formerly introduced, my noble Friend (the Earl of Rosebery) has abandoned them; and has restricted this Bill to the purpose of granting relief in certain cases—a general law, rather than by private Acts; but, I must say, that if I were unfavourable to entails, and had failed in an attempt to carry away the law by storm, I should think, that I was proceeding more prudently, and with as great a chance of success, if I were next to sap the foundation; and I think I can prove to your Lordships, that if this Bill were to pass as it is, it would make a very material alteration in the law. The principle upon which all Entails are founded would be destroyed; namely this principle, that any man may leave his estate, to a series of heirs, annexing such conditions and restrictions to the possession, as are within the limits expressly defined by statutes existing at the date of the entail. Inverting the order in which the clauses stand, here, at the end, is an enactment that heirs of entails in possession, may sell a portion of the estate for the payment of the debts of the entails, when the deed of entail has not been recorded. This clause will require consideration in the Committee. To the clause as to executions, I have no objection in principle.; but it appears to me that it will require some amendment, as the consent of the other heirs of entail is not required; and your Lordships will think it your duty to attend to their interests. The remaining enactments consist of three parts; the first gives power to the heir in possession, to grant leases of land for a term not exceeding twenty-one years. Considering that a restriction to nineteen years depends much upon your Lordships' judicial decisions, and your construction of deeds of entail, and that your opinions might vary, I should not object to a clause fixing the exact duration by Act of Parliament. In coming to these decisions, your Lordships acted upon the presumed wish of the entailer, that each succeeding heir should participate equally in the income; and that at times, not too remote from each other, they should have the opportunity of making a new arrangement of terms, and a new selection of tenants. But this could not be advantageously done by an Act, unless the tenants had some term; as to what that should be, opinions have varied: some of the most prudent men in Scotland possessing their lands in fee-simple, but having a due regard for their successors, have given leases of two and even three nineteens. Some years ago, lands were universally let in Scotland for twenty-one years; in England, nineteen years would be thought too much. I should not, therefore, object to defining by Statute, the endurance of a fair lease, leaving to the Committee to decide whether twenty-one years should be adopted in preference to nineteen. To the power of granting leases of mines and minerals for thirty-one years, there appears to me to be no objection, considering the great outlay which is required, the difficulty of procuring tenants without the encouragement of a long lease, and that, in many instances, the existence of the minerals might not have been known to the entailer. But the most important feature of the Bill is the power which is given to the heir in possession; notwithstanding the express prohibitions and restrictions of the Entail, to grant feus of any portion of the estate for the purpose of building. My noble Friend assumes, that building must be an improvement (which I cannot admit without reservation), and he says, that he would have preferred giving the heir the power of granting long leases, but that he knows, and I can confirm the statement, that there is such a prejudice in Scotland in favour of feus, that they will not take leases of any length; and I have had occasion to know, that a person having taken a considerable quantity of land, for which he expected to receive 800*l.* per annum on building leases, could not dispose of any part of it from the uncertainty as to the renewal. A lease of even sixty years, however, would have been considered an alienation, but a feu is much more to be so considered. It is a virtual alienation; for though an income be reserved, though by this restriction, as to taking grassums, the emolument is distributed over the series of heirs, all the connexion between landlord and tenant, be it weak or strong, is broken. It creates a set of new proprietors, not always of the best description; it would add considerably to the number of that valuable class, which by the possession of the *minimum* of intelligence and property combined, as they are represented by 10*l.*, are entitled to vote for Members of Parliament; but over these, the superior has no influence. If their politics be similar, they may vote for the same candidate; but to his successor, should his politics be different, they would be most obnoxious neighbours, not entirely separated from the estate, but a nuisance within it. The restriction as to building houses of the value of 100*l.* on each acre, affords no protection against the effect of subdivision and sub-tenancy; nests of paupers may be created for whom the proprietor may be hereafter called upon to provide, by paying his proportion of an assessment. I can appeal to some of the noble Lords, my countrymen here present, who will not think it an exaggerated statement. I can speak positively to it as within my own knowledge. I do not speak of this as the motive which induces my noble Friend to bring in the Bill, but as an inevitable consequence. It is very true, that those who possess estates in fee-simple, may feu and build as they please, and the Legislature would not, on the one hand, interfere to prevent it; but, on the other hand, I do not suppose that Parliament will be tempted to encourage that sort of building by overturning the law of entail. Now, upon what principle is this Bill grounded? Is it that the entailer omitted to give powers, from want of foresight, and that Parliament must repair the omission? The Bill does not apply to omissions, but to positive prohibitions. Indeed, though entails in Scotland may be of interminable duration, the heir is little restricted, as he can do that which he is not specially prohibited from doing; errors of omission, therefore, do not so much affect him. While in England, though the direction of the entail may be shortened, the heir cannot do that which he is not specially permitted to do. Omissions, therefore, may be very inconvenient to him, and yet I have not heard that any such bill for the relief of heirs of entail in England is in contemplation. Is it because the restriction is objectionable? Why, if your Lordships pass the Bill, the person who shall the next day make an entail, containing the same restrictions, will leave it operative upon his successors, while a deed of entail executed last year will not be valid. My noble Friend may answer that, if this Bill should pass, a Bill to prevent such restrictions in future must follow; that is exactly what I expect, and it confirms me in my objections to the Bill, notwithstanding the unassuming title given to it by my noble Friend of a Bill for the Relief of Heirs of Entail. It is, in fact, part of a measure for restricting the powers of an entailer. This clause, my Lords, is to make a new will for a man to say, that he omitted to give powers, or that he knowingly inserted restrictions which, had he been as wise as the framers of the Bill, he would not have inserted. Now, if we were to admit this reasoning, could there not be some limit to the doubt as to the entailer's foresight in proportion, perhaps, to the remoteness of the time in which he lived? If he had existed a century ago, he might not have foreseen the great extension of buildings and other improvements; but if he had made his entail in 1834, would he not have witnessed part of that building, anticipated its extension, and knowingly, advisedly, deprecated it, and, as far as in him lay prevented it, for the benefit, and for the comfort of his heirs? The noble Earl seems to think, that it is better to proceed by a general law, than by private bills, which are seldom refused. I cannot agree with him; there may be cases of extreme hardship. An heir might be restricted from building upon land situated in the middle of a town, which he could not occupy or cultivate with advantage; and, for such a special case, the Legislature would grant relief. But such applications have been refused; in one instance, to my knowledge, where it was stated that the want of power to grant building leases was an omission in the testator. This was not proved, as he had, in anticipation of building, granted this power as it regarded one part of the estate, but had withheld it as to the other, and so the Bill was rejected. Upon these grounds, my Lords, though ready to discuss all these points in the Committee, I shall oppose this clause. It is a subject of great importance to the people of Scotland, and I must express a hope that we shall on other occasions, secure the assistance of the noble and learned Lords, who are Members of this House, for whether the Law of entail shall remain as it is, or be subject to great alterations as proposed in this Bill, the adherence to the present law, or the introduction of such alterations will be much more satisfactory, if it be sanctioned by those learned Lords, to whom, in the exercise of your judicial functions, your Lordships always look for advice, and upon whose legal wisdom and experience the people of Scotland confidently rely.

The Duke of *Buccleuch* said, he felt very great apprehensions with reference to any Bill brought into that House, the object of which was to interfere with entails in Scotland. An ill-advised measure of that nature might be fraught with great danger to the whole of the entailed property in that country. Though the noble Earl said that it was necessary for the Legislature to interfere to prevent the locking-up of capital in Scotland, he, for his own part, could not see any such necessity; because sufficient opportunities daily occurred in Scotland for laying out capital on landed property. He would not oppose the second reading; but he hoped that in the Committee the Bill would be thoroughly examined, because there were some points in it which he conceived involved considerable danger. The noble Earl proposed to allow lands to be leased for twenty-one years; now he believed that, generally, lands were let on improving leases for lives; and he found no difficulty whatever in procuring active and substantial tenants upon leases of that description.

The Earl of *Kinnoull* supported the Bill, which he thought calculated to be very beneficial both to heirs and to persons in possession of estates.

The Earl of *Aberdeen* could not see any reasonable objection to the second reading of such a Bill as this. Although great difference of opinion existed on the law of entail in Scotland, he was convinced that all parties would best promote the improvement of that law, by paying a strict attention to this Bill, which, when modified in Committee, for he did not pledge himself to all the clauses as they stood at present, would do more to confirm the Scotch law of entail than a resistance to such alterations as the state of the country imperiously demanded.

Bill read a second time.

BENEFICES AND PLURALITIES.] On the motion of the Archbishop of Canterbury, the House resolved itself into a Committee on the Benefices, Pluralities, and residence of Clergy Bill.

On the Second Clause being proposed,

Lord *Wynford* said, there were several propositions which he wished to submit to their Lordships. By the Bill, as it at present stood, no clergyman was allowed to hold two benefices that were distant from each other above ten miles. Now, he could see no reason for that restriction; and his first proposition would be, that instead of ten, the distance should be fixed at forty-five miles. It could not be contended that the duties might not be as effectually performed at a distance of forty-five as of ten miles; for the only function which in either case could be executed would be, that of control and superintendence over the curate, which might be discharged as well in the one case as the other. His other proposition regarded the provision, which fixed 500*l.* as the amount of income which was to incapacitate an incumbent from holding two livings. He need not point out to their Lordships with what peculiar hardship that enactment would fall upon those whose income slightly exceeded that limit, and who would thereby be prevented from acquiring any increase of income; whilst others whose first living was within the required limit, would have the power of increasing it far beyond the amount of 500*l.* He should propose, at the proper time, that 1,000*l.* be the limit, instead of 500*l.*

The Duke of *Richmond* trusted, that the right reverend Prelate would not consent to the amendment just proposed by the noble Lord (Wynford). It appeared to him an extraordinary proposition that the duties of a living situated at the distance of forty-five miles from the residence of the incumbent, could be so effectually performed as those of a living only distant ten miles. He was confident the noble Lord must have been thinking of the railroads at the time when he made that assertion; for a railroad between the two livings most assuredly would be necessary, if forty-five miles was to be the distance fixed upon.

The Bishop of *Oxford* thought the distance of ten miles would render it nearly impossible for any clergyman to hold two livings.

The Earl of *Ripon* objected to the proposal of the noble Lord (Lord Wynford). He, for one, was not willing that the clergy of England should be subject to be thrown off a railroad, while on a visit of charity two or three times every week.

Lord *Wynford* explained. This was an attempt to abolish pluralities entirely by a side wind. He had no objection to the entire abolition of pluralities—that might be a very excellent measure; but then the Legislature should carry it into effect in a direct and intelligible manner.

The Bishop of *London* denied that this Bill was an attempt by any side-wind to get rid of pluralities. It was an attempt to confine them within as small a space as possible—that the livings might be under the control and constant inspection of the incumbents. It was an attempt also to get rid of the inconveniences arising from the present system. Unless an incumbent was a very conscientious person, he was scarcely ever seen at his second living, and there were cases in which incumbents were not known, except through their tithe-agents. One advantage he was quite certain would follow from the extinction of pluralities, that it would be an additional inducement to patrons to make an augmentation in the livings.

The Archbishop of *Canterbury* declared that the object he had in view in proposing and supporting this Bill, was to put an end to a system which was decidedly contrary to the canonical law. It was his endeavour in this Bill to comply with that law, as far as it was possible. He denied that the restriction imposed in this Bill of precluding the distance between two livings being beyond ten miles, would be an absolute prohibition upon pluralities. If they looked to the south of England they would find that there were a great many benefices to be found included within the space of ten miles.

Lord *Wynford* replied, that he did not come to that House to argue for rectories. He felt great pleasure in saying, that the most reverend Prelate had convinced him he took an erroneous view of this point.

The Clause was agreed to.

On Clause 3 being put,

The Bishop of *Exeter* said, that, however popular it might be in that House or elsewhere to do away with pluralities, he protested against the restricting of pluralities within the limitation of ten miles. Pluralities must be endured, and he was sorry to see an attempt made to put an end to them, even in deference to the feeling of the country, which he knew to be strong. If the system were carried to the extent proposed, there would be no probationary occupation for the clergy. In the south of Scotland, there were a variety of persons called probationers and ordained clergymen, of which number Dr. Chalmers had assured him that he himself had been one. He wished to see such clergymen as the meritorious rectors of the great parishes of the metropolis and other towns, endowed with small cures, at which they might take some months' recreation in every year from their painful duties. For men in such a situation assuredly 1,000*l.* a-year was not too much, and in his opinion, their Lordships would do a great mischief by doing away with pluralities.

The Bishop of *London* denied that the Bill would do away with pluralities. It would only restrict them.

The Earl of *Harrowby* contended it was not at all necessary to give a clergyman to each parish, for many parishes were not now sufficiently populous to require the exclusive attention of a minister, and noble Lords, he thought, would feel that this observation applied with more force when they recollected that emoluments in the Church were often in the inverse ratio to population and duties; it therefore became impossible to rectify these imperfections otherwise than by pluralities. Holding those opinions, he still thought it most desirable that arrangements should be made with regard to Church benefices, tending as much as circumstances would allow to equalize emoluments; but as to any other application of ecclesiastical funds—as to abstracting a shilling from the property of the Church, no man in his senses, who had considered the question, would seriously entertain such a notion, unless he contemplated the destruction of the Church.

The Archbishop of *Canterbury* observed, that noble Lords should bear in mind that there were other parties than themselves to the passing of the Bill, and he hoped they would also recollect that its failure would be most unfortunate.

On Clause 4,

Lord *Wynford* objected to it as very unequal. If a man held a living under the value of 500*l.*, he might hold another of nearly the same value, and thus have an income of nearly 1,000*l.*, while a clergyman, whose living was worth rather more than 500*l.* could not hold a second living. He had a clause prepared as a substitute for the 4th Clause, and he therefore should move, That the clause be expunged.

The Archbishop of *Canterbury* had no very material objection to the views of the noble Lord, as they coincided with those he had embodied into a Bill last year. He could not, however, consent to expunge the clause, for that would leave every clergyman at liberty to hold two or more livings.

Lord *Wynford* would adapt his amendment to the views of the most reverend prelate.

Lord *Ashburton* did not wish to increase the dependence of the inferior clergy on the Bishops, and he would rather that the privilege of holding two livings should be conceded direct by Parliament, than that it should be dependent on the sanction of the Bishop.

The Archbishop of *Canterbury* said, every clergyman could purchase a plurality of benefices, but he must be examined by the Archbishop who had the power to disqualify him. The clergy did not, he believed, think themselves disgraced by that power. He had ever found the clergy cordially disposed, and the intercourse between them and the Bishops was one of mutual liberality. All the scandal brought upon the Church was occasioned by a few instances of improper conduct which the Bishops had no power to punish. To enable the Bishops to punish such clergymen by depriving them of their property, or by some other means, was indispensable to preserve the Church free from scandal.

Lord *Ashburton* had been, he was afraid, misunderstood. What he desired was, to see the clergy subjected to law, instead of being exposed to what he might call the caprice of individuals.

The Bishop of *London* wished to see the clergy not dependent on the Bishops, but there must be some means of preserving discipline. He claimed on the part of the Bishops of the Church of England, the credit of having exercised the power intrusted to them, without abusing it. Pluralities were altogether an innovation and an abuse, but as circumstances were at present in the Church, they must be tolerated, and no persons were so fit to have the power of regulating them as the Bishops. He knew cases of clergymen holding, within a circle of ten miles, livings to the amount of 2,000*l.*, every one of which was under 500*l.* a-year. That was a case for the interference of the Bishops; and if they had the power to object to such a state of things, but no power to alter it, unless the metropolitan confirmed the objection, he could not conceive that any but the most beneficial effect could arise.

The Duke of *Wellington* was concerned that measures had not been before adopted to improve the discipline of the Church. A Commission had inquired into the subject, but no remedy for the abuses had been devised. He was convinced that it was necessary to preserve that part of the clause which gave increased power to the Bishops.

Lord *Wynford* would confine his amendment to altering the income, above which no person should hold two livings from 500*l.* to 1,000*l.*

The Committee divided on the original clause:—Contents 29; Not-Contents 7: majority 22.

The clause to stand part of the Bill.

The remaining clauses were agreed to; the House resumed, and the Report was received.

HOUSE OF COMMONS,

Thursday, May 10, 1836.

Dublin Steam-Packet Company.] Mr. *O'Connell:* On behalf of the Dublin Steam-packet Company, I now move, Sir, for leave to bring in a bill, notwithstanding that the period has elapsed, when by the standing orders this should have been done. In this case a bill was some time since brought into the House, and upon the third reading it was rejected, on the ground that this body corporate were not individually responsible for the additional subscriptions to be made. On that account alone, I say, the bill was rejected. The Dublin Steam-packet Company had previously to this, entered into and made contracts to the amount of 137,000*l.*; and the great object of those contracts was that of building more steam-boats for the purpose of increasing a special branch of their trade, connected with the navigation of the Shannon,by which party through Dublin a great trade is carried on; and no arguments have been raised against this measure, except that it would have the effect of creating a monopoly, which, however, I am confident was a construction not warranted by the facts of the case. The proposal which I have now to submit to the consideration of the House, and which I hope they will accede to is, that I may have leave to bring in this Bill; that every hon. Member may be put in possession of its object and its contents, and that no arguments may be urged against it, which are not to be justified and confirmed by its provisions. In moving for leave to introduce this bill, I have only to state that it is already printed, and will be deposited in the private bill office; when that is done, the House will decide whether they will entertain the measure or not. In the meantime, however, I must deprecate any premature discussion upon it before the facts and merits of the plan can be known. If, indeed, hon. Gentlemen raise a controversy now, they must do us the justice to suppose that the principle of the bill which we seek to introduce, has nothing in view beyond giving to the public this security—that every person who shall become a subscriber to this increased capital will be liable to the extent of his entire fortune, whatever it may be. Thus you will give an increased and unlimited security to those who may have any transactions with the Company. Under these circumstances, I do venture to hope that it is not too late to appeal to the House for its sanction to the introduction of this bill. The House objected to its principle, as it was before brought in, and this has prejudiced the interests of the Company. I repeat my hope that I may be permitted to bring in the bill, and that then hon. Gentlemen will dispose of it as they like; and let me add, I hope that no local jealousies of any kind will be allowed to interfere, or to bias the judgment of the House. I have only now to move for leave to bring in a bill, to authorise the Dublin Steam-packet Company to extend their capital, with an unlimited responsibility, for the purpose of building six additional steam-vessels.

Mr. *Randall Plunkett:* I rise to second the motion of the hon. and learned Member for Dublin. I believe that an opinion has gone abroad that in this instance the responsibility of the Dublin Steam-packet

Company is limited; but I have no doubt that all the bad parts or objectionable provisions of the former bill have been carefully expunged, and that each and every person who may become connected with this Company will be strictly liable to the whole amount of his property. I know it has been imagined that persons might be added to the new lists of subscribers, who being originally protected by the limited responsibility would continue in that favoured position. Now it is proposed that the former subscribers shall be allowed to become subscribers to this proposed additional capital, in which case they will take upon themselves the whole responsibility, and will be liable to the same extent as they would have been if the Company had never existed. I confess I cannot regard this case in a general way, as one involving the principle of a monopoly; because in the first place it is only proposed to allow the Company to obtain the power of increasing their capital for the positive benefit of the country —which if it be a monopoly, it is elsewhere obtained as in this instance, only by a successful competition. I conceive we are more especially called upon to regard the motion of the hon. and learned Member for Dublin with a favourable eye, seeing that we have not many such advantages in Ireland, as this Company has already conferred, and will yet confer on the people more particularly who are resident along the banks of the Shannon and the adjacent country. I merely wish to conclude by observing that in consequence of the belief which has been entertained that a competition would be prevented in the conveyance of passengers and merchandize between Dublin and Liverpool, and that sufficient means of transport would not be found, this Company is now ready to build six additional steam-vessels to ply between those ports, for which they have entered into contracts, and are liable for a sum of 137,000*l.* out of the 150,000*l.* already subscribed. I repeat that every objectionable part of the former bill has been expunged.

Sir *Michael Shaw Stewart*—I am very sorry again to put myself forward to oppose the introduction of this Bill, but I am compelled to do so as a matter of public duty; and without following the advice of the hon. and learned Gentleman, or troubling the House by any lengthened observations in support of my objections to this proceeding, I at once throw the question, and I throw myself, upon the rules and orders of this House, overwhelmed as we are with private Bills, and I ask whether the House is prepared to sanction the introduction, or rather the re-introduction of a private Bill, so many as ten weeks after the period prescribed by the standing orders? If the hon. and learned Member for Dublin meant to bring in a Bill involving the principle of unlimited responsibility, why did he not do so at once? No, he did not do this—but having brought in a Bill containing the principle of a limited responsibility, and finding that he could not obtain a monopoly, he moves us to set the standing orders and regulations of the House at defiance, and endeavours to bring in a Bill differently framed. The hon. Member for Drogheda, who seconded the motion, says that the present Bill does away with the principle of a limited liability on the part of the company; but I say that this very Bill sanctions the limited responsibility to the amount of 300,000*l.* I oppose the motion altogether, and I rest my case upon the grounds which I have stated. I shall resist the motion by dividing the House upon it, and in so doing I feel that I am only furthering the legitimate interests of my constituents.

Mr. *Mark Philips*—I confess, Sir, it does appear to me after all that has been said, that this is a sort of nondescript liability, and that the result of passing this measure will be, that a great difficulty will be created in ascertaining in a satisfactory manner, hereafter, the difference which may exist between those of the shareholders who enjoy a limited or an unlimited responsibility; for the parties will be continually purchasing and exchanging their shares, and in that way both will be released from all responsibility. Now, I should like to have further information on this part of the subject. The powers sought for under the Act are extensive, and if vested in large companies like that now before the House, will be likely to retard the intercourse between the two countries by raising the passage money. This is the opinion which I strongly urged upon the committee which sat in the year 1833, upon the application then made to the House for a Bill connected with this company.

Mr. *O'Connell*—I beg to say in one

word, that there is no protection whatever given by this Bill to parties who may subscribe one sixpence to the new fund, and it is clearly shown by the provisions of the measure, that there is an unlimited responsibility to the fullest possible extent. On this account it is that I do implore the House to allow the Bill to be read a first time, in order that the case may not be viewed upon any man's *ex parte* statement; but, on the contrary, that we may have all the facts laid before us.

Lord *Francis Egerton*—I certainly feel that the explanation of the hon. and learned Member for Dublin has removed the chief objection which very properly attaached to this Bill, and therefore I hope that the House will accede to the motion of the hon. and learned Gentleman. I am aware that in the instance of the introduction of some great measure, involving very complicated details, it would be a good and valid objection to urge the late period of the session, or the noncompliance with the standing orders of the House; but I confess I do not think that such a line of argument holds good in the present case. Now it appears to me, from what I know of the objects of the Bill, that the principle of non-liability does not extend to it, but that, on the contrary, the parties who may take an interest in the company under this new Bill will be fully and perfectly liable and responsible to an unlimited extent. When this company came before the House on a late occasion, they asked for permission to increase their capital on a limited responsibility; they did so in accordance with privileges which they already were in possession of. This was objected to by those who thought their interests might be affected by it, and the Bill was thrown out. Aware of the great private inconvenience it would cause, as respected contracts previously entered into, in expectation of no exception being taken to the measure, and also of the injury it would inflict on Ireland, the parties now come again before the House, removing, as they conceive, all grounds of objection, and now they are met with a like hostility to that which defeated the former Bill. Against such a mode of proceeding I do protest; and I confess it does appear to me to be somewhat inconsistent to hear hon. Gentlemen regretting the deficiency of capital in Ireland, and now, when it is sought to be introduced there by a company which it has been admitted has already conferred so many benefits in the interior of that country, giving it all the opposition in their power. I am not going to make professions about my desire to serve Ireland, but I hold that the introduction of capital should be encouraged in Ireland, and with that feeling, and aware from my connexion with canal property in Lancashire, of the advantages which this company has conferred on both countries, I think it would be an act of injustice, even though the standing orders have not been strictly complied with, to refuse this motion, and I shall therefore give it my most cordial support. It may be urged, indeed, that the system which the passing of this measure will introduce may form a dangerous precedent, and that the principle may be carried too far, and that the company may override the interests of individuals. But if there be any point or force in those speeches which are continually made on Irish subjects, it is a great benefit to encourage the introduction of capital into Ireland. Now, I believe, and I am ashamed to say it, that this is almost a solitary instance in which this system has been brought to bear effectually upon the prosperity of that country, and it will be for those hon. Gentlemen who hear me, and who are connected with Ireland, to say whether I do not state the sentiments of the people at large. I do again implore the House to accede to the motion of the hon. and learned Member for Dublin.

Sir *Henry Parnell:* I do not see upon what just grounds we are called upon to accede to the motion of the hon. and learned Member for Dublin. I cannot conceive, Sir, upon what principle or how it is that we can pass one Act of Parliament, containing the principle of non-liability, and another Act by which we are to get rid of that responsibility. What is the construction to be put upon this Act? Much has been said of the advantages conferred on Ireland by this company. I may admit that fact; but it is my opinion, that if there had been no legislation whatever of this kind, there would have been no want of capital, or of the power of investing it for the promotion of steam-navigation in Ireland. The whole of such legislation is founded on false principles. The true principle seems to be overlooked—that where there is security for making profits, capital will be there employed, and it needs no encouragement.

Doctor *Bowring:* I trust that the House will not indirectly sanction a principle which they have refused to do directly. The hon. and learned Member has told us, that this company has entered into contracts for the supply of steam-vessels, which I contend they ought not to have done; and in spite of the representations of the hon. and learned Member for Dublin, I am opposed to this measure. It is quite certain that in this case, a number of persons with unlimited responsibility are to be grafted on those who have the limited responsibility. I will not, however, at the present moment detail the objections which I entertain to this measure; but, under all the circumstances, I really think that the better mode of proceeding for this House to adopt will be, altogether to reject the Bill at once. Let the parties come before us again, if they think fit to do so, in the next Session of Parliament.

Viscount *Sandon:* I am one of those who are of opinion that all these matters are much better and more properly discussed whenever the Bill shall be brought fairly before the House, and I therefore hope that the hon. and learned Member for Dublin will be allowed to bring it in. When we consider the real benefits that this company has conferred upon Ireland, fulfilling what we have always in this House said should be done by encouraging the industry of that country, I think that we should regard it favourably. It appears to me that it would be rather hard to make the Company pay for any indiscretion they might have committed in regard to the former Bill by the rejection of this. The House rejected the former Bill because it allowed the Company to add 300,000*l.* to their capital, and on the principal of limited responsibility. By the present Bill they seek only for an increase to half that amount, and on the principle of unlimited liability. The objection upon public grounds to the increase being thus removed, I shall vote for the motion.

Viscount *Clements* considered the hostility with which the motion before the House had been met, was quite uncalled for. What were the facts of the case? This Company were desirous of increasing their capital for the purposes of their business, and in doing so they availed themselves of the privileges which they enjoyed under their Bill. That was dissented from, and their application was rejected. They then came before the House a second time, and complied with what was required of them; and strange to say, they were again opposed. All who were acquainted with the interests of Ireland must be aware of the advantages conferred on it by the introduction of steam-vessels, which was mainly owing to this Company, who by their exertions and enterprise carried improvements into the interior of the country, particularly in those neglected districts adjoining the banks of the Shannon. It was argued by those connected with the interests of Scotland, that the Scotch companies should have similar privileges; but that was not objected to by this Company, who had not interfered with any other company. However, he could not avoid saying, that from the extent of the opposition directed against the Dublin Steam-packet Company, it appeared to him that the object was, to remove competition, that the Scotch companies might avail themselves of the advantages that would be gained by competitors being out of the field. This was no new company; it was a successful one, that had done much good in Ireland, and if the present motion were defeated, it would make a bad impression on his (Lord Clement's) side of the water, where the outlay of capital was so much sought for. He could not conceive how hon. Members could support every railroad humbug brought before them, and oppose such a measure of utility as that under consideration.

Sir *George Clerk* said, the question before them was whether sufficient had been shown by the hon. Members who introduced and supported this motion for violating the standing orders of the House. Here was a Bill that was rejected by the House, and with a slight alteration introduced again at that late period of the session, with no other recommendation than the statements of interested individuals. If the House were to agree to such a proposition, as well might they legislate on the presentation of a petition. The Bill on the former occasion had been opposed by numerous influential parties, who had the trouble of attending, but who were not prepared for its being brought forward a second time. He thought there should be a minute inquiry instituted before the motion was acceded to. He would oppose the granting leave to introduce the Bill.

Mr. *George F. Young* was sorry that those who supported this motion did not follow the example and exercise the discretion of the hon. and learned Member who introduced it. Either this Bill was or was not the same in principle as that which had been thrown out before by the House. If it was the same Bill, they could have little hesitation in rejecting it; if it was not, the promoters of it should show a very great necessity for introducing it at this late period of the Session before the House gave it their sanction, and that in direct violation of the Standing Orders. The object of this company was to increase their capital to a sum of 150,000*l.*; and on the rejection of the Bill, they complain of the hardship of their case, as they had already entered into contracts for the building of steam vessels to the amount of 137,000*l.* How that expenditure was to promote the internal improvement of Ireland he (Mr. Young) was at a loss to understand. The hon. and learned Member said, that it was necessary to build these vessels to enable the company to enter into competition for conveying the mails for the Post-office; he thought that would not be a sufficient reason for the House departing from the general rule laid down for the regulation of private Bills, and acceding to this motion.

Mr. *O'Connell:* the hon. Member accuses me of having stated that this company had entered into a contract with the Post-office, and that that was what induced them to build additional steam-vessels, one word of which never escaped my lips; but some observations were made during the discussion which would bear that import, but the hon. Member was so puzzled and confused that he could not distinguish one from another. He (Mr. O'Connell) considered that he had much reason to complain, and complain bitterly at the hostility he had met with on introducing this motion, which should have been reserved until the Bill was on the table, and then they might with propriety have stated their objections, and it would be his (Mr. O'Connell's) duty to explain and remove them. Let the Bill be brought before the House, and if it did not contain the principle of an unlimited responsibility on the part of every shareholder to the full extent of his property, reject it; but do not on mere form and technicalities defeat a measure calculated to impart so many advantages to Ireland. Hon. Members were often heard to indulge in what he (Mr. O'Connell) would not term "cant," about the introduction of capital into Ireland; here was an opportunity of doing so, not experimentally but practically, and he would be glad to know on what substantial grounds they could refuse assent to it. He had not a particle of personal interest in the measure: his support was derived from his consciousness of the advantage it would be to Ireland. Complaints had been made, that sufficient notice had not been given of an intention to bring in this Bill, but that would not appear from the manner in which hon. Gentlemen opposed it from all sides of the House. All he would ask was for leave to place the Bill upon the table of the House, and he would give it up and allow of its being rejected the moment any hon. Gentleman said that it was not what he had described it to be.

The House divided: Ayes 106; Noes 65:—Majority 41.

Leave given to bring in the Bill.

THE LADIES' GALLERY.] Mr. *Grantly Berkeley* inquired whether it was the intention of Government to make provision for the accommodation of ladies in the Strangers' gallery, in pursuence of the report of the Select Committee, approved by the House, before the first of June, because in that case he should beg to withdraw the motion of which he had given notice, for an address to his Majesty on the subject this evening.

Lord *John Russell* did not think it advisable that the question should again be submitted to debate and division, the resolutions of the hon. Member having been already twice acceded to by the House; and accordingly Government was ready to propose an estimate on the subject. Still it was out of his power to fix the 1st of June for the completion of the arrangements; indeed, he did not very well see how they could be completed before the recess.

Sir *Edward Knatchbull* had the misfortune on this subject to differ in opinion from the hon. Member for West Glocestershire; the question, he contended, should again undergo consideration in Committee, and when the estimate was submitted to the House, it would be quite competent for hon. Members to negative the whole proposition.

Lord *John Russell* did not, of course, mean to preclude the adoption of that course. The view he took of the question was, that the House having twice affirmed the resolution that the gallery should be erected, the Government should, in deference to that decision, propose an estimate on the subject, in order to carry into effect what he presumed were the wishes of the House in that respect; although he confessed (as might indeed appear from the votes he had already given), if he had merely followed his own judgment in the matter, he should most willingly have seen the hon. Member (Mr. G. Berkeley) in a minority.

Sir *Robert Inglis* expressed a hope, that as the House had once negatived the proposition last Session, when it came to be re-considered in Committee, it would still meet a similar fate.

Subject dropped.

PAUPER LUNATICS—NEW POOR LAW.] Colonel *Chichester* was anxious to put a question to the noble Lord, the Secretary of State for the Home Department, which, although not on the all-engrossing subject of the ladies, was nevertheless of very great importance. He wished to know whether it was the intention of Government this Session to propose any measure for the better relief and maintenance of pauper lunatics in England and Wales—an unfortunate class of persons, most inadequately and improperly provided for under the present system.

Lord *John Russell* was quite ready to admit that the clauses in the new Poor Law Act with respect to pauper lunatics had occasioned some inconvenience, and perhaps not a little suffering, to that unfortunate class of persons; at the same time, until he had fully consulted the Poor Law Commissioners on the subject, he could not pledge himself to bring in any Bill during the present Session.

Sir *Thomas Fremantle* hoped the noble Secretary for the Home Department would answer another question he had to put, connected with the Poor Law Amendment Bill, with respect to money advanced to unions for the building of workhouses. He wished to know whether Government would extend the period for repayment from ten to fourteen or twenty years; and also whether they would allow a reduction of the interest payable on the loan below 4*l.* per cent?

Lord *John Russell* said, with respect to the latter part of the question, his right hon. Friend, the Chancellor of the Exchequer had already reduced the rate of interest on any advances which might be made for the building of workhouses from 5*l.* to 4*l.* per cent, but it was not thought advisable to make any further reduction. As to the time fixed for repayment, he had to state, that on an application of the parties, declaring their wishes to that effect, Government would have no objection to extend the period to twenty years.

Subject dropped.

PRIVATE BILLS.] The Order of the Day was read for resuming the adjourned debate on the Bill for regulating the expense of proving titles of land taken under the authority of private Acts of Parliament.

Mr. Pease supported the Bill.

Mr. *Tooke* opposed it, and moved an instruction to the Committee "to introduce clauses for relieving, under proper restrictions, railway and other public companies from unconscionable contracts extorted from them by landowners as the price of their assent."

Mr. *Hume* thought it would be better to refer the whole question to the Railways Committee.

Mr. Tooke withdrew his amendment.

An amendment was moved by Mr. Hume in the sense above described.

The House divided on the original question—Ayes 84; Noes 100: Majority 16.

Matter referred to the Select Committee on Railways.

List of the AYES.

Acheson, Viscount
Aglionby, H. A.
Alston, R.
Barclay, D.
Bethell, R.
Bewes, T.
Bramston, T. W.
Buller, C.
Buller, E.
Cavendish, hon. G. H.
Cayley, E. S.
Colborne, N. R.
Corry, right hon. H.
Crawley, S.
Crompton, S.
Curteis, H. B.
Curteis, E. B.
Divett, E.
Dowdeswell, W.
Dunbar, G.
Duncombe, T.
Dundas, hon. T.
Estcourt, T.
Ferguson, R.
Finch, G.
Forbes, W.
Forster, C. S.
Freshfield, J. W.
Gaskell, J. M.
Goring, H. D.
Greene, T.
Grote, G.
Handley, H.
Heathcote, G. J.
Hector, C. J.
Henniker, Lord
Hindley, C.
Hodges, T. L.
Houldsworth, T.
Howard, P. H.
Hutt, W.
Jones, W.
Jones, T.
Kerrison, Sir E.
King, E. B.
Knightley, Sir C.
Lambton, H.
Lawson, A.
Lees, J. F.
Lefevre, C. S.
Lennard, T. B.
Lowther, hon. Col.
Maxwell, J.
Miles, P. J.
Mordaunt, Sir J.
Mosley, Sir O.
Neeld, J.
Paget, F.
Pattison, J.
Pease, J.
Richards, John
Robarts, A. W.

Sanford, E. A.
Scott, Sir E. D.
Scott, J. W.
Seale, Colonel
Sharpe, General
Speirs, A.
Townley, R. G.
Trelawney, Sir W.
Trevor, Hon. A.
Vere, Sir C. B.
Verner, Colonel
Vyvyan, Sir R.
Wemyss, Captain
Weyland, Major
Wilbraham, G.
Wilbraham, hon. B.
Wilkins, W.
Williamson, Sir H.
Wilson, H.
Wodehouse, E.
Wrightson, W. B.
Young, G. F.

TELLERS.

Ebrington, Viscount
Harland, W. C.

List of the Noes.

Angerstein, J.
Baillie, H. D.
Baines, E.
Beckett, rt. hn. Sir J.
Bernal, R.
Blamire, W.
Brocklehurst, J.
Brotherton, J.
Brownrigg, S.
Buckingham, J. S.
Byng, right hon. G.
Campbell, Sir J.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Childers, J. W.
Compton, H. C.
Conolly, E. M.
Crawford, W. S.
Dalbiac, Sir C.
Darlington, Earl of
Denison, J. E.
Dillwyn, L. W.
Duffield, T.
Dundas, J. D.
Ellice, right hon. E.
Estcourt, T.
Fazakerley, J. N.
Fergus, J.
Fergusson, rt. hn. R. C.
Fitzroy, Lord C.
Fremantle, Sir T.
Hastie, A.
Hawkes, T.
Heathcoat, J.
Hogg, J. W.
Hoy, J. B.
Hume, J.
Jackson, Sergeant
Knatchbull, Sir E.
Labouchere, rt. hn. H.
Lennox, Lord G.
Lennox, Lord A.
Lincoln ,Earl of
Lushington, C.
Lushington, rt. hn S. R.
Mackinnon, W. A.
Maclean, D.
M'Leod, R.
M'Taggart, J.
Mahon, Lord
Mangles, J.
Marsland, H.
Maunsell, T. P.
Miles, W.
Musgrave, Sir R.
Neeld, J.
O'Brien, W. S.
O'Ferrall, R. M.
Palmer, General
Parker, J.
Parrott, J.
Parry, Sir L. P. J.
Peel, rt. hn. Sir R.
Philips, M.
Plumptre, J. P.
Potter, R.
Poulter, J. S.
Powell, Colonel
Power, J.
Price, Sir R.
Pryme, G.
Pusey, P.
Ridley, Sir M.
Roche, D.
Rolfe, Sir R. M.
Ross, C.
Rundle, J.
Russell, Lord J.
Sheppard, T.
Smith, R. V.
Somerset, Lord G.
Strickland, Sir G.
Stuart, Lord J.
Thomson, rt. hn. C. P.
Thompson, Colonel
Tooke, W.
Troubridge, Sir E. T.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Wall, C. B.
Warburton, H.
Westenra, hon. H. R.
Whalley, Sir S.
White, S.
Williams, W. A.
Wood, Colonel
Wortley, hon. J. S.
Wrottesley, Sir J.
Yorke, E. T.

TELLERS.

Steuart, R.
Maule, hon. F.

Parliamentary Surveys of Church Lands.] Mr. *Thomas Duncombe* said, that he did not feel disposed to accede to the suggestion of the noble Lord for postponing his motion relative to the Parliamentary Surveys of the Church Lands; preserved in the library of Lambeth Palace. Those documents were of the greatest importance now that the question of tithes was under the consideration of the House, inasmuch as they formed the connecting link between the value of that property to which they referred as given in the King's books and its actual value at the present time. They had been made by order of the long Parliament—consequently they were the property of Parliament, and moreover the Archbishop of Canterbury admitted, that they were deposited with him—that he was the keeper of them—for the Parliament. He thought it necessary that they should be in every hon. Member's hands, embracing as they did much valuable information on a subject under discussion in Parliament, in place of individuals having to pay two guineas for a single extract to the Archbishop's Secretary, which they were now obliged to pay He did not see how any objection could be made to his Motion, and he trusted he should have the House with him in making it. The hon. Member concluded by moving for a copy of the Parliamentary Surveys of Church Lands, preserved in the Library of Manuscripts at Lambeth.

Lord *John Russell* thought the Motion was unnecessary, as, according to his hon. Friend's own statement, these documents were not difficult of access to any one. In the next place, he saw no more reason for copying them at the expense of the country than he did for copying the parish registers of any part of the kingdom, or those documents of a similar nature in the Rolls Chapel, the Tower, and other depositories of them. If his hon. Friend's motion was acceded to, it would afford a plea and a precedent for other hon. Members to move for other records of the same character; and, in the end, all the records in the kingdom might be moved for by that means. The noble Lord concluded by moving, as an Amendment, that the Order of the Day for the House resolving itself into a Committee on the Tithes Commutation Bill, be read.

Mr. *Hume* expressed his surprise at the disinclination of the noble Lord to consent to the production of these papers. They were Parliamentary documents, and, therefore, ought to be in possession of Parliament. In his opinion it was extremely desirable that they should be produced.

Mr. *Jervis* maintained the expediency of producing these surveys.

The *Attorney-General* would not deny that they were public records, but objected to their being printed by an order of that House. It would be equally reasonable for any hon. Member to move that Doomsday Book, which was public property, should be printed, and laid upon the Table of the House.

Mr. *Evelyn Denison* opposed the motion, because he thought it absurd to call for the production of twenty quarto volumes, which must be copied and printed before they could be laid before the House, and which, if the information they contained were of any value at all, ought to be in the hands of Members at the present moment.

Mr. *Thomas Duncombe* replied, that his motion went merely to have the papers laid upon the Table of the House. He had no wish to cast a reflection on any one, particularly the Archbishop of Canterbury, but he thought that these public documents should be in the possession of the House. He felt that the production of them was of so much importance, that he should certainly take the sense of the House upon the question.

The House divided on the original motion—Ayes 40; Noes 99:—Majority 59.

List of the Ayes.

Aglionby, H. A.
Barnard, E. G.
Bewes, T.
Blamire, W.
Bowring, Dr.
Brocklehurst, J.
Buckingham, J. S.
Crawford, W. S.
Gaskell, D.
Grote, G.
Gully, J.
Harvey, D. W.
Hawkins, J. H.
Hodges, T. L.
Horsman, E.
Jervis, J.
Kemp, T. R.
Lushington, C.
Maher, J.
Marsland, H.
Mullins, F. W.
Palmer, General
Parrott, J.
Parry, Sir L. P. J.
Pease, J.
Philips, M.
Potter, R.
Power, J.
Rundle, J.
Scholefield, J.
Strutt, E.
Talbot, J. H.
Thompson, Colonel
Trelawney, Sir W.
Trevor, hon. A.
Wakley, T.
Warburton, H.
Whalley, Sir S.
Williams, W. A.
Wyse, T.

TELLERS.

Duncombe, T.
Hume, J.

List of the Noes.

Alsager, Captain
Baring, F. T.
Benett, J.
Bernal, R.
Blackburne, I.
Borthwick, P.
Brownrigg, S.
Buller, C.
Buller, E.
Buller, Sir J.
Byng, rt. hon. G.
Campbell, Sir J.
Cayley, E. S.
Chetwynd, Captain
Childers, J. W.
Clerk, Sir G.
Cockerell, Sir C.
Colborne, N. W. R.
Compton, H. C.
Crawford, W.
Crompton, S.
Curteis, H. B.
Curteis, E. B.
Denison, J. E.
Donkin, Sir R.
Dottin, A. R.
Eaton, R. J.
Ebrington, Lord
Elwes, J. P.
Estcourt, T.
Fergusson, rt. hon. C.
Finch, G.
Fleetwood, P. H.
Fleming, J.
Folkes, Sir W.
Forbes, W.
Freshfield, J. W.
Gordon, hon. W.
Goulburn, rt. hon. H.
Greene, T.
Hogg, J. W.
Howick, Lord
Jackson, Sergeant
Jones, W.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Lawson, A.
Lennard, T. B.
Lincoln, Earl of
Long, W.
Longfield, R.
Lushington, Dr.
Mackenzie, S
M'Taggart, J.
Martin, J.
Maule, hon. F.
Meynell, Captain
Miles, W.
Moreton, hon. A. H.
Murray, rt. hn. J. A.
North, F.
O'Ferrall, R. M.
Pelham, hon. C. A.
Philips, G. R.
Plumptre, J. P.
Poulter, J. S.
Powell, Colonel
Pryme, G.
Pusey, P.
Rice, right hon. T. S.
Ridley, Sir M. W.
Robinson, G. R.
Rolfe, Sir R. M.
Rooper, J. B.
Rushbrooke, Colonel
Russell, Lord J.
Sanford, E. A.
Scott, Sir E. D.
Somerset, Lord G.
Stanley, E. J.
Stormont, Lord
Strickland, Sir G.
Thomson, right hon. C. P.
Townley, R. G.
Troubridge, Sir E.
Vere, Sir C. B.
Verney, Sir H.
Vernon, G.
Vivian, J. E.
Vyvyan, Sir R.
Weyland, Major
White, S.
Wilbraham, G.
Wilkins, W.
Wood, Colonel
Wrightson, W. B.
Wrottesley, Sir J.
Yorke, E. T.

TELLERS.

Hay, Sir A.
Steuart, R.

Tithes Commutation Bill.] The House resolved itself into Committee on the Tithes Commutation (England) Bill.

Lord John Russell placed in the hands of the Chairman the 33d Clause, as it was proposed to be amended. It was in the following terms:—

"And be it enacted, that in every case in which the Commissioners shall intend making such award, notice thereof shall be given in such manner as to them shall seem fit; and after the expiration of twenty-one days, after such notice shall have been given, the Commissioners, or some assistant commissioner, shall proceed to ascertain the clear average value (after making all just deductions on account of the expenses of collecting, preparing for sale, and marketing) of the tithes of all the titheable produce of all lands subject to tithe in the said parish, according to the average of seven years preceding Christmas, in the year 1835; provided, that, if during the said period of seven years, or any part thereof, the said tithes, or any part thereof, shall have been compounded for or demised to the occupier of any of the said lands, in consideration of any rent or payment instead of tithes, the amount of such composition or rent, or sum agreed to be paid instead of tithes (including all unremitted arrears thereof), shall be taken as the clear value of the tithes included in such composition, demise or agreement during the time for which the same shall have been made and the commissioners, or assistant commissioner, shall award the average value of the said seven years so ascertained as the sum to be taken for calculating the rent-charge to be paid as a permanent commutation of the said tithes; provided also, that in estimating the value of the said tithes, the Commissioners or assistant Commissioner shall estimate the same as chargeable to all Parliamentary, parochial, county, and other rates, charges, and assessments to which tithes are liable; and whenever the said tithes shall have been compounded for, on the principle of such composition being paid free from all such rates, charges, and assessments, or any part thereof, the said commissioners, or assistant commissioner, shall have regard to that circumstance, and shall make a fair addition on account thereof."

Mr. *Hume* wished to ask the noble Lord whether this average was to be taken on a valuation of the last seven years' produce in all cases? If this were the intention of the clause, the consequence would be, that the commutation, which was to be made first in corn and then in money, would have a very injurious effect in a great number of instances. Suppose the price of corn to fall permanently, as it probably would, in that case lands of an inferior quality, which were now cultivated for the purpose of raising corn, would be thrown out of cultivation, and would probably be laid down for grass lands. It would then be extremely unjust to saddle such land with a permanent tithe composition, calculated when wheat was 6*s*. a-bushel, for when it was laid down in grass the rent would diminish from—say, 18*s*. to 10*s*., and wheat being then probably 5*s*. the bushel, the land would have to pay a permanent rent-charge of 5*s*., which was half the amount of the rent. This clause appeared to convey to the Church half of the whole of this kind of land, and he therefore strongly objected to it.

Lord *John Russell* thought, that there would be no time at which a proposition could be made for a commutation of tithes when something of this kind must not happen. You might certainly suppose, that the produce of some land would be worth now 30*s*., and the composition for tithe 3*s*., and that perhaps at some future period the produce of the same land would not be worth so much, while the 3*s*. would still remain as a rent charge upon the land in lieu of tithe. But, on the other hand, we might suppose, that land, whose produce was now worth 30*s*., might, by the application of capital, in a short time be worth 50*s*. or 60*s*., and in these cases the commutation of tithe would be a great benefit. In attempting to carry a measure of this kind, it could not be avoided, but that some part of the country or other might suffer at a future period by the commutation of tithes; but the hardship which had been pointed out by the hon. Member for Cumberland—namely, that individuals who had taken land of not a very good quality, and had been at a greater expense than their neighbours in improving it, should be subjected to pay a higher rate of composition—was very much done away with by the provision which had been inserted, that the valuation should be made by two applotters on the parish generally, and not on each particular piece of land. With respect to the possibility of loss referred to by the hon. Member for Middlesex, no arrangement that could be made with regard to tithes, either now or fifty years hence, could prevent a loss falling somewhere, but it would be more than balanced by the settlement of the question.

Mr. *Hume*: Will the noble Lord allow me to ask him whether his applotment is to be made once for all, or from time to time?

Lord *John Russell:* Once for all.

Mr. *Hume* thought, then, that it was extremely unjust that an average of the last seven years should be taken as the basis of the rent-charge upon the land, not merely during the occupation of it by the present possessor, but ever after.

Sir *E. Knatchbull* was not able to persuade himself, that an average for the last seven years, where it could be taken, would give that fair test which it was desirable to ascertain. It was quite clear, that such a standard must operate favourably or unfavourably, according as the land was kept in a good or bad condition. He had said, that it would not give a fair test where the average could be taken, but there were many cases where it would be impossible to apply it. It was quite impossible to make a fair estimate of the value of produce in different parts of the country. He thought, that an attempt to legislate on this subject, by adopting any one general principle to which all must conform, could not be successful; and he should therefore move as an amendment, instead of the words, "valuation of the average produce for the last seven years," to insert, "having regard to the nature and quality of the land."

Mr. *Blamire* considered, that the plan proposed by the noble Lord was the best that could, under the circumstances, be devised, and in his opinion, that which the right hon. Baronet had moved by way of amendment was open to much graver objections. The principle of this clause had already been carried into effect in many voluntary compositions, that had been entered into in various parts of the country, but at the same time he must admit, that after all had been done that was possible to be done, there would be many cases that would press on individuals. But the hon. Member for Middlesex should also bear in mind, that some parties would be greatly benefitted by this settlement. Many lands which were about to be brought into cultivation would remain unimproved till this settlement was made, and the gain on these lands would be considerable. To be sure that would be no satisfaction to the man who should lose by the arrangement, but in the settlement of a great question, some such losses were unavoidable.

Mr. *Plumptre* observed, that in the county which he had the honour to represent, some lands were over-cultivated, some were under-cultivated, and some were out of cultivation altogether. How was this plan to be made applicable to all?

Sir *John Wrottesley* had at first been disposed to think, that the valuation of tithes ought to proceed on the principle suggested by the right hon. Baronet (Sir E. Knatchbull), but subsequent reflection induced him to think, that the plan proposed by the noble Lord would be more equal and more just. He knew not, indeed, why the particular period of seven years should be selected as that on which the average should be taken. Seeing that the farmers throughout the country now generally pursued the system called four-course cropping, he thought an average of eight years would be preferable.

Mr. *William Miles* approved of the principle of the clause, as he supposed it was intended that the valuation should be made on the produce of land under good cultivation; but unless some alteration were made in the wording of the clause, the valuers would have to calculate the average upon the actual state of the land.

Mr. *Lennard* observed, that in many parts of Essex there were lands now in the course of cultivation to raise wheat which the occupiers were on the point of relinquishing as corn lands, and if corn was reduced in price, they would be laid down in grass, and it would be an extreme hardship to impose on those districts a permanent composition for the tithe of land on the average of the last seven years, which afterwards might produce nothing more than a second-rate crop of grass. The only unobjectionable plan would be, to abstain from making this measure uniform, and in the cases he had referred to, to ascertain what proportion tithe had borne to rent, and to fix the composition accordingly—a plan which would not make the tithe a part of the rent.

Mr. *Blamire* was glad to hear the hon. Member for Somersetshire admit the justice of the principle of the clause, and he thought his objections to the wording of the clause might be removed by a slight alteration in its wording.

Mr. *Charles Buller*, from what had passed during this discussion, had been more than ever convinced how great a waste of time there was in discussing the details of a measure before the House was agreed upon its principle. The wise and honest principle of the 33d Clause was rendered null and of no effect by Clause 34. If it were not for that clause, he should give the Bill his earnest support. What we wanted was, not to lower or raise, but to fix tithe, and this object the clause would effect. It took the voluntary compositions which had been made by different parties in the country, who might be supposed to have generally dealt fairly with each other, as a basis for a compulsory commutation. For these reasons it was, that he supported the principle of commutation. But the whole object of the present clause was defeated by the provisions of the next—the 34th Clause; and when that clause came under consideration he should feel it his duty to take the sense of the House upon it. As to the amendment of the right hon. Baronet, the Member for East Kent, he thought, that from the language which had been introduced being so vague and indefinite, the Bill would only prove beneficial to the profession to which he had the honour to belong.

Mr. *Warburton* could not understand the objection of the hon. and learned Member for Liskeard to the 34th Clause, which had for its object an appeal against the decision of the Commissioners. Did the hon. and learned Gentleman mean to say, that the determination of those Commissioners ought to be final without any appeal?

Lord *John Russell* would not now discuss the objection of the hon. and learned Member for Liskeard to the 34th Clause. He had admitted the principle of the 33rd Clause, and had likewise admitted the necessity of modification of that principle. The House had first to discuss the amendment proposed by the right hon. Baronet opposite, and afterwards discuss the amendment which he (Lord John Russell) had proposed in the whole clause. When the discussion as to the mode in which the whole tithe should be apportioned among the different tenants in the parish came to be discussed, he thought it would be quite right that some words should be introduced declaratory that that apportionment should be made with reference to the productive value and quality of the land, but the present was a very different question. The object of the present clause was, to ascertain the actual average value of the tithe for the last seven years on each estate; he did not, therefore, think that the amendment of the right hon. Baronet had any application whatever to that object.

Mr. *Warburton* said, that he was strongly in favour of the amendment proposed by the right hon. Baronet (Sir Edward Knatchbull), and that upon the very grounds upon which the noble Lord had said, that when they came to the clause for apportioning the whole tithe among the different cultivators of the parish, he would introduce words to the effect of those contained in the amendment of the right hon. Baronet. And why? Because the same reason which induced the noble Lord to adopt such a principle with respect to the apportionment of the charge of the whole tithe of a parish among the tithe payers was equally applicable as between parish and parish in the general application of the principle of tithe to the whole kingdom. For suppose a parish should have been under corn cultivation for the last seven years, and the average of those years should be taken as a criterion of the amount of the future payment to be made by that parish in commutation of tithes, was it not quite obvious that that parish would have a permanent charge imposed upon it, much greater than the adjoining parish, if such adjoining parish should hitherto have been grass land? Then, if the land in this latter parish should at any future time be broken up and converted into corn land, was it not clear, that inasmuch as the occupiers of this parish would have a much less sum to pay as a rent charge in lieu of tithe, than the occupiers of land in the former parish, they would be able to undersell the cultivators of the land in the parish which had always hitherto produced corn?

The Committee divided: — Ayes 51; Noes 111—Majority 61.

Mr. *Parrot* proposed the introduction of the following proviso:—"That the said Commissioners shall make a deduction, after the rate of 10*l.* for every 100*l.* of the average value so ascertained, and shall award the average value so ascertained and reduced, as the sum to be taken as the amount of rent charge and permanent composition of the said tithe."

Lord *John Russell* opposed the amendment on the ground that it appeared to introduce a new principle into the Bill.

Amendment negatived without a division.

Mr. *Richards* moved the addition of the following proviso: — "Provided always, and be it enacted, that in case any part of the lands in the parish shall at any time be broken up and the surface destroyed and rendered unproductive, by the operations of raising and getting coal, iron, stone, and other mines and minerals, or for the erection of any works for converting the same, that the rent-charge imposed as hereinbefore provided, shall on the breaking up or converting of the surface of such land as aforesaid, abate in the proportion of the extent of land so rendered unproductive, and that such rent-charge shall accrue only on such land being restored and brought into cultivation."

Lord *John Russell* thought that it would be a violation of the principle of the Bill, if land under the circumstances stated in the proviso should be totally exempted from tithe. He might mention that it would be only in Staffordshire the proposed exemption would operate. And he did not think it right for the sake of such a small district to make a complete alteration in the principle of the Bill.

The Committee divided on the proviso;—Ayes 171; Noes 54—Majority 117.

Clause agreed to.

The House resumed, Committee to sit again.

HOUSE OF COMMONS,

Wednesday, May 11, 1836.

Minutes.] Bills. Read a second time:—Inns and Alehouse Sale of Spirituous Liquors.

Petitions presented. By several Members, from various Places, for the Better Observance of the Sabbath.—By Sir C. B. Vere, from those interested in the Mackarel Fishery at Lowestoft, for a Clause in the Sabbath Bill, Allowing them to sell Mackarel as heretofore.—By Mr. Alderman Thompson, from Sunderland, Complaining of the Confiscation of their Property by the Danish Government, and praying for Relief; and from Auchtermuchty, Complaining of the Inefficient Manner in which Merchantmen are built and put to Sea.—By Captain Pechell, from Aeundel, for the Repeal of the Land Tax; and from Brighton and Plymouth, in favour of the Fisheries' Bill.—By Sir George Strickland, from Wath-upon-Dearne and Thorne, for an Alteration of the Law relating to Coroners.—By several Members, from various Places, for a Revision of the Criminal Code.—By Mr. Bradshaw and Mr. Brotherton, from various Places, for an Equalization of the Duties on East and West-India Sugar.—By Mr. John Fergus, from Kirkaldy, for the Revision of the Laws relating to the Salmon Fisheries (Scotland).—By several Members, from various Places, for the Amendment of the Factories' Act.—By Lord George Lennox and Mr. Fleming, from various Places, against the Fisheries' Bill.—By Mr. Arthur Trevor, from various Places, against the Bishopric of Durham Bill.—By Mr. Hume, from the Legal Profession at Kingston-upon-Hull, for the Repeal of the Duty on Attorneys' Certificates.—By Mr. Grote, from the Parishioners of Christ Church, Newgate-Street, and St. Leonard's, Foster-Lane, praying that no Law may be passed which shall sanction Clergymen holding Livings, unless Resident and performing the Duties thereof; and from Great Yarmouth and Stockton-upon-Trent, in favour of the Vote by Ballot.—By Mr. S. Crawford, from Dundalk, for the Repeal of the Duty on Marine Insurances.—By Mr. Divett, from Exeter, against transferring Ecclesiastical Courts to London.—By Mr. Hume, from the Dissenters of various Places, praying for Relief; and from London for the Alteration of the Stamp Duties' Bill.—By Mr. S. Crawford, from various Places, for the Abolition of Tithes.—By Mr. Guest, from Mandson, against the Tithes' Commutation Bill.—By Sir Robert Bateson and Mr. Sharman Crawford, from various Places, in favour of the Excise Licences' (Ireland).

Devises.] Mr. *Aglionby* wished to know from the right hon. Gentleman, the Attorney-General, whether there would be any objection, on his part, to the taking out of the Bill for securing the clause enabling customary tenants to devise their property, and the introduction of a specific Bill upon that subject.

The *Attorney-General* expressed his regret at being unable to return a satisfactory answer to the hon. Member's question. A Bill containing the clause alluded to by the hon. Member had early in the present Session passed the House, and found its way to the House of Lords. There, however, it was asleep, and how its slumbers were to be disturbed he knew not. It lay in the dormitory of the other House, and, conversant as he was with difficulties, it puzzled his ingenuity to suggest any process by which its return to the House of Commons might be brought about. If the hon. Member, however, would bring in a Bill on the subject to which he alluded, he would not only not oppose it, but give it his cordial support.

Mr. *Hume* would be very glad to know whereabouts the dormitory of the House of Lords lay. If he could obtain the information, Quixotic as the attempt might appear, he should feel a strong inclination to storm it. But why should the Bill be allowed to sleep in the other House? Why should not the right hon. Gentleman's legal friends in that House wake and take it up?

Subject dropped.

Roman Catholic Marriages Bill.] Mr. Lynch moved the third reading of this Bill.

Mr. *Lefroy* rose to oppose the third reading, and objected to the House being called upon to pass a Bill for Ireland, which conferred a power on Roman Catholic clergymen which was not possessed by Roman Catholic clergymen in England, nor by Dissenting clergymen in either England or Ireland. He (Mr. Lefroy) had no objection to support a general Marriage Act for Ireland; but he could not give his sanction to a partial measure like that then under consideration, which professed to remedy one evil, whilst at the same time it introduced others of greater magnitude. The Bill then before the House went to repeal the only security which the Protestants of Ireland had for preventing clandestine marriages. The Marriage Act known in England as Lord Hardwicke's Act, did not extend to Ireland. The objects of that Act were, 1st, to prevent clandestine marriages, and, 2dly, to preserve the evidence of marriage with a view to civil rights. These objects were obtained in Ireland (though imperfectly), 1st, by the law of the Church, and, 2dly, by the provisions of the very Act of Parliament which it was now sought to repeal. The protection which the law of the Church afforded was as follows:—In the first place, no clergyman of the Established Church can celebrate a marriage without banns having been published, or a licence obtained; secondly, he can only celebrate marriage during certain hours; thirdly, he is precluded from celebrating marriage anywhere but in a place of public worship; and in the fourth place, he cannot celebrate a marriage between infants, or an adult and an infant, without the consent of the parents or guardian. These were the protections which the law of the Church afforded; and whilst this protection was afforded to the members of the Establishment by the law of the Church, it was of the utmost importance that a body of clergy not subject to the canons or authority of one church should not be invested with the power proposed to be given by this Bill. In order to give further protection against clandestine marriages, several Acts of Parliament were passed in Ireland. There was one class of statutes rendering it penal for a Roman Catholic priest to marry a Protestant and Roman Catholic, and there was the Act now sought to be repealed, invalidating such marriages, and this Act was grounded, as the recital states, upon the insufficiency of the others to prevent the mischief. Bills had been brought in of late years, either by the hon. and learned Member, or those with whom he acted, to repeal the first class of statutes, namely—all those which imposed a penalty for celebrating such marriages; and these Bills were passed into a law, so that the only remaining security left to the Protestants of Ireland was, the Act declaring the marriage invalid, and this it was now sought to repeal; and what was the argument for altering the law and putting it upon a different footing from that which it vested in England? The argument was this—that an Act of Parliament invalidating a marriage is inhuman, inasmuch as it leaves the really guilty party free, while the innocent offspring is visited with so severe a penalty. But did not this argument apply equally to the Marriage Act of England as well as to the law as it now existed in Ireland? Nay, did it not apply more strongly to the Marriage Act in England, which rendered void the marriage for mere informalities, of which the parties might not be aware. The object of this Bill was to introduce a state of law in Ireland, not only contrary to that which existed in England, but which it never entered into the mind of any man to propose to introduce into England; for neither the Bill for a new marriage law brought in by the present Government, nor that introduced by his right hon. Friend, the Member for Tamworth (whilst in office), ever contemplated allowing the clergy of any Dissenters, Roman Catholics or others, to celebrate marriages between members of the Establishment and others. He had lately heard a great deal of the importance of equal laws and equal justice for Ireland; and he, therefore, hoped his Majesty's Government would oppose this Bill as a violation of that principle. The right hon. Gentleman concluded by moving that the Bill be read a third time that day six months.

Colonel Perceval seconded the amendment.

Mr. *Lynch* said, the object of the Bill was to remove a defect in the marriage law in Ireland, which was productive of the most unfortunate consequences. As the law now stood a marriage between a Romanist and a Protestant, if celebrated by a clergyman of the former persuasion, was invalid. It frequently happened that villains took advantage of this law in order to gratify their base passions, and then abandoned their victims, who had supposed that they were legally married, to a life of shame, and bastardized their offspring. The marriage law in Ireland at the present time was in the same barbarous state in which the marriage law of England was previously to the introduction of Lord Hardwicke's Act. In Scotland, marriages between a Protestant and Roman Catholic were valid although celebrated by a Roman Catholic clergyman. Why should not that be the case in Ireland also? He called upon the House to pass the Bill, not for the sake of Roman Catholics alone, but of Protestants also, for both classes were equally interested in the question. What was the ground upon which the House was called upon to maintain the existing law? It was said that the alteration proposed by the Bill would, if carried into effect, give rise to clandestine marriages. Were those who urged that objection to the Bill aware what was the existing state of the marriage law in Ireland? Under the existing law, marriages could at present be celebrated during any hour of the day or night, and at any place whatever. If a man and woman should go before a Protestant clergyman in Ireland, at any hour of the day or night, and declare themselves to be man and wife, that was a valid marriage; but if the same declaration were made before a Roman Catholic clergyman the marriage was invalid. Now should this difference be allowed to continue? Did it not open a door for fraud and cruelty? No objection was made to clandestine marriages as long as the Protestant clergyman was engaged in celebrating them; but the moment the services of the Roman Catholic priest were placed in requisition, they became evils of great magnitude. In conclusion, he beseeched the House to pass the present Bill, by which a remnant of the barbarous penal code which had been applied to Ireland would be abolished, and all parties would be placed upon an equal footing.

Mr. *Shaw* said, the marriage law in Ireland, generally, and the opposition made to that Bill, were both much misunderstood; he and his friends did not contend that the present condition of the law should continue; on the contrary, they were anxious for its improvement, and pressed on the law-officers of the Crown to introduce a general and impartial measure for that purpose; but the Bill then under consideration would render a bad law much worse, by removing the only practical check to that species of clandestine marriages the most likely to occur in Ireland, namely, those performed by Roman Catholic clergymen between Protestants and Roman Catholics; besides, it was a measure of very partial legislation, professedly, to relieve the Roman Catholics, and to leave all other classes as they were. The 12th George 1st had imposed the penalty of death both on the Roman Catholic priests and the degraded clergymen, for celebrating marriages between two Protestants, or a Protestant and Roman Catholic. The 19th George 2nd annulled the marriage, and the 33d George 3rd. inflicted a penalty of 500*l.* upon the Roman Catholic priest in case of his celebrating such a marriage. This pecuniary and capital punishment were held to conflict, and, at all events, to be unnecessarily severe; and Mr. Justice Perrin introduced an Act to relieve the Roman Catholic priest from the penalty; but that Act left the degraded clergyman subject still, in point of law, to the capital punishment, and, in fact, sentence of death had recently been recorded against a degraded clergyman under the statute of George 1st. Mr. Perrin expressly retained the law it was now sought to repeal, annulling the marriage, and the present Bill left all that was objectionable in that law still to operate against Protestants. Mr. Crampton, when Solicitor-General, had introduced a Bill, rendering the offence equally a misdemeanour in all clergymen, and he supported that Bill; but it did not satisfy hon. Gentlemen opposite, and it was lost. He then protested against the present Bill both on account of its partiality, and because it repealed a law which in practice operated to prevent clandestine marriages. It was no answer to him to say, that there might be clandestine marriages without any religious ceremony, because the feelings, the prejudices, and the habits of the people afforded great protection in that respect; and the argument, that it was the innocent offspring who suffered, went too far, for it would equally apply against any marriage law, and, indeed, did apply to other restrictions in this very Bill—he meant those which rendered any marriage invalid, unless celebrated between the hours of eight and twelve in the morning, and in a church or chapel which had been used for one year as a public place for Divine worship. Suppose, then, a marriage celebrated at half-past twelve o'clock, or in a chapel that had been open but for eleven months, the children would be equally innocent, and equally sufferers. Under all these circumstances, while he anxiously desired a revision and amendment of the whole marriage law in Ireland, he hoped the House would reject that Bill.

The *Attorney-General* said, that he would briefly state the grounds upon which he gave his support to the Bill. He thought that Roman Catholic priests should be put upon the same footing as clergymen of other persuasions. His only objection to the measure was, that it did not go far enough; but because, from respect to the feelings, or, speaking more correctly, the prejudices of hon. Members opposite, the framer of the Bill had not carried its enactments far enough; but that was no reason why he should not support the measure as far as it did go. The marriage law in Ireland was nearly the same as that which existed in England previously to the passing of Lord Hardwicke's Act, when a contract *per verba de praesenti* was a marriage, as also was a contract *per verba de futuro* if executed. In Ireland a clergyman of the Presbyterian, Baptist, or any other persuasion, could celebrate marriage, not only between two of his own flock, but between one of his own flock and one of another persuasion, or between two strangers who did not belong to his flock at all. Roman Catholic priests ought at least to be placed upon the same footing as other Clergymen. According to the law in Ireland, any man and woman who declared themselves to be legally married before a

Protestant clergyman, *ipse facto* became so; but if they (being each of a different persuasion), called upon a Roman Catholic priest to perform the ceremony according to the rites of his religion, it was no marriage at all, and the parties were held to be living in a state of concubinage. He would rejoice to see a general marriage law passed for England, Scotland, and Ireland; but, in the mean time, he could not object to apply a remedy to a specific evil. Upon that principle he gave the present Bill his support. He hoped that it would be carried into a law, and that it would be the precussor of a general law which would remove all the evils connected with the subject.

The House divided on the original question; Ayes 100; Noes 92.—Majority 8.

Bill read a third time.

List of the AYES.

Acheson, Viscount
Aglionby, H. A.
Angerstein, John
Baines, Edward
Baring, Francis T.
Barnard, E. G.
Benett, J.
Berkeley, hon. F.
Bernal, Ralph
Bewes, T.
Biddulph, Robert
Bowring, Dr.
Bridgman, H.
Brotherton, J.
Byng, G. S.
Cave, R. O.
Chalmers, P.
Clive, Edward, Bolton
Codrington, Sir E.
Collier, John
Crawford, W. S.
D'Eyncourt, C. T.
Dundas, J. D.
Ebrington, Lord
Ewart, W.
Fazakerley, N.
Fergusson, rt. hon. C.
Fielden, J.
Gillon, W. D.
Harcourt, G.
Hawes, Benjamin
Hay, Sir A. L.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Horsman, E.
Howard, P. H.
Hume, J.
Hutt, W.
Lee, John Lee
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Macleod, R.
Macnamara, Major
Mangles, J.
Marsland, Henry
Maule, hon. Fox
Morpeth, Lord
Mosley, Sir O., bart.
Musgrave, Sir R. bart.
O'Brien, Cornelius
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Conor, Don
O'Ferrall, M.
O'Loghlen, M.
Pechell, Capt. R.
Pendarves, E. W.
Philips, G. R.
Potter, R.
Poulter, John Sayer
Power, James
Price, Sir R.
Pryme, George
Pusey, Philip
Rolfe, Sir R. M.
Rooper, J. Bonfoy
Rundle, J.
Russell, Lord John
Russell, Lord Charles
Ruthven, E.
Scott, Sir E. D.
Scott, James W.
Scrope, George P.
Seymour, Lord
Sharpe, General
Stanley, E. J.
Steuart, R.
Strutt, Edward
Stuart, V.
Talbot, J. Hyacinth
Thompson, Col.
Thorneley, T.
Troubridge, Sir E. T.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Warburton, H.
Wason, R.
Westenra, H. R.
White, Samuel
Wilbraham, G.
Williams, W.
Wrightson, W.
Wyse, Thomas

TELLERS.

Campbell, Sir J.
Lynch, A. H.

List of the NOES.

Alsager, Captain
Ashley, Lord
Bagot, hon. W.
Bailey, J.
Baillie, H. D.
Baring, F.
Barneby, John
Bateson, Sir R.
Becket, Sir J.
Bell, Matthew
Bonham, R. Francis
Bramston, T. W.
Bruce, Lord E.
Bruce, G. L. C.
Calcraft, J. H.
Chandos, Marq. of
Chaplin, Col.
Clive, hon. R. H.
Compton, H. C.
Conolly, E. M.
Corry, hon. H. T. L.
Dalbiac, Sir C.
Dottin, Abel Rous
Duffield, Thomas
Dunbar, George
Duncombe, hon. A.
Eastnor, Viscount
Egerton, Wm. Tatton
Elley, Sir J.
Elwes, J.
Entwistle, John
Estcourt, Thos. G. B.
Fleming, John
Forbes, Wm.
Freshfield, James W.
Gaskell, J. M.
Gladstone, Thomas
Gladstone, Wm. E.
Goodricke, Sir F.
Goulburn, Sergeant
Greville, Sir C. J.
Hale, Robert B.
Halford, H.
Halse, James
Hamilton, Lord C.
Hardinge, Sir H.
Hardy, J.
Hawkes, Thos.
Hayes, Sir E. S. bart.
Jackson, Sergeant
Jones, Theobald
Irton, Samuel
Kearsley, J. H.
Kerrison, Sir Edwd.
Lawson, Andrew
Lefroy Anthony
Lefroy, Thomas
Lewis, Wyndham
Lincoln, Earl of
Longfield, R.
Lygon, Hn. Col. H. B.
Manners, Lord C.
Maunsell, T. P.
Miles, Philip J.
Mordaunt, Sir J. bart.
Nicholl, Dr.
Packe, C. W.
Palmer, Robert
Parker, M.
Patten, John Wilson
Peel, Colonel J.
Plunkett, R.
Pollen, Sir J. bart.
Praed, James B.
Praed, W. M.
Pringle, A.
Richards, J.
Ross, Charles
Rushbrooke, Col.
Sanderson, R.
Sheppard, T.
Smyth, Sir G. H., bart.
Somerset, Lord G.
Stanley, Edward
Thomas, Colonel
Trevor, hon. G. R.
Tyrrell, Sir J.
Vivian, John Ennis
Vyvyan, Sir R. R.
Wilbraham, hon. B.
Young, J.

TELLERS.

Shaw, Frederick
Perceval, Col.

OYSTER FISHERIES.] The House resolved itself into a Committee on the Oyster Fisheries' Bill.

On the First Clause no oysters to be taken between the 12th of May and the 4th of August.

Captain *Berkeley,* for the purpose of

giving greater protection to the fisheries, moved as an amendment, that dredging for oysters should henceforward cease on the 30th of April, and not commence until the 1st of September.

The Committee divided on the original clause.—Ayes 38; Noes 14—Majority 24.

Mr. B. Hoy moved, that the whole of the proviso to the First Clause be omitted.

Mr. *Bernal* declared, that if that amendment were carried the Bill would be rendered worse than useless, and he should, therefore, use every exertion in his power to defeat the Bill altogether, if the hon. Member for Southampton were successful. The Committee divided on the original clause.—Ayes 28; Noes 15—Majority 13.

Clause agreed to.

On Clause 3,

Mr. *Bernal* moved, that the proviso at the end of the clause, which subjected the nets of the fishermen to forfeiture, who should be found dredging for oysters within the prohibited time and distance, should be omitted.

The Committee divided on the original clause.—Ayes 24; Noes 21—Majority 3.

The proviso was struck out, and the clause as amended agreed to. The remainder of the clauses were agreed to.

The House resumed: the Bill to be reported.

POOR RELIEF (IRELAND).] Mr. *William Smith O'Brien* said, that he had frequently stated to the House, that he thought it was absolutely necessary to pass a Bill to relieve the poor of Ireland without delay. As a measure, therefore, was not to be brought forward this session by his Majesty's Government, although it was a case of the greatest importance and of pressing emergency, he felt it to be his duty to press forward the Bill he had introduced. He was of opinion that the Government were anxious to postpone bringing forward a measure on the subject for as long a period as they could, and when they brought it forward, they would give as little as they could in the shape of relief. The measure before the House embodied the chief of the recommendations of the Commissioners on Poor-laws for Ireland. [*The hon. Member was interrupted with cries of "Move, move!"*] As it appeared to be the wish of the House, he would at once propose the second reading of the Bill, and would be prepared to discuss it at a future stage.

Bill read a second time.

The second reading of Sir Richard Musgrave's Bill on the same subject was postponed.

Mr. Poulett Scrope moved the second reading of his Bill on the same subject.

Viscount *Morpeth* said, that though he permitted the Bills to be read a second time, he begged, on the part of Government, to enter his disclaimer against his being thereby held pledged to sanction either of these Bills. He would add, however, that he was not unwilling to hold himself pledged to some measure for the relief of the poor in Ireland, whenever Government could think itself justified in bringing forward a well-digested measure upon the subject.

Bill read a second time.

POOLE CORPORATION BILL.] Mr. Poulter moved the second reading of this Bill.

The *Solicitor-General* stated, that although a Bill on the subject of the late election of municipal officers in the borough of Poole had been recommended by a Committee of the House, he felt it to be his duty to object to this Bill, as it involved principles which he could not help considering of a dangerous tendency. The proper tribunal to decide upon a case of this kind was a court of law, and the House was aware that to such a tribunal had the case been submitted. The trial was now pending the judgment of the Court of King's Bench. He could not but express his objection to the Bill, because it involved a principle which he thought it would be very dangerous to admit—the interference of the Legislature in a question which was still awaiting the judgment of a proper tribunal, a court of law. Suppose the judgment of the Court of King's Bench should be, that these councillors had been duly elected, in what a position would Parliament have placed itself by agreeing to such a Bill as this? The legal right of the parties was in course of inquiry before the fitting tribunal; and he trusted the hon. Member would not seek to commit the House by any precipitate legislation upon this question.

Mr. *Poulter* said, the hon. and learned Gentleman did not appear to understand the principle of the Bill. If a decision upon the question were delayed till a court of law gave its judgment upon the point, the councillors in question would be out of office long before the decision was given. The whole town government of the borough of Poole had been built up on a gross and scandalous fraud, and the Legislature was bound to take cognizance of the subject for the protection of the interests of the borough. He came to the House because there was no remedy in law for the grievance of which he complained.

The *Solicitor-General* said, that though he should not oppose the second reading of the Bill, he reserved a full right to state his great objections to the Bill at a future stage, and before a fuller House.

Bill read a second time.

Civil Bill Courts (Ireland).] The House went into a Committee upon the Civil Bill Courts (Ireland) Bill.

On Clause 2—New jurisdiction as to lands.

Sir *R. Fergusson* objected, and stated that the greater part of Londonderry was held under the London company. One-third of the city stood on ground the yearly rent reserved for which did not exceed 10*l.*

Mr. *Lynch* admitted, that inconvenience might arise in some cases, but not sufficient to counterbalance the good effects which he anticipated from the clause; and which would arise from giving jurisdiction to the assistant-barrister in cases of dispute between the lower classes, as to leasehold interest in land.

Mr. *French* did not consider this clause sufficiently extensive. There were several cases unprovided for, such as "squatters," and persons holding possession, without ever having had a title. He would wish to know why the jurisdiction proposed to be given was limited to cases where the rent did not exceed 10*l.* By the 1st George 4th., chap. 41, the jurisdiction in cases of ejectment was extended to cases where the rent did not exceed 50*l.* Why not extend the jurisdiction in this, which seemed a similar case, to the like sum?

Mr. *Lynch* stated, that this was an experiment, giving barristers the power of trying ejectments of this nature. He thought it right to limit it to a small sum at first, but if it worked well, he could see no objection to extend it as his hon. friend wished.

Clause agreed to.

On Clause 8—Mode of proceeding in replevin cases,

Mr. *French* moved the insertion of a few words in the fourth line; he did not anticipate any objection to the introduction of them, as it was evident from the preceding clause, regulating the appointment of repleviners, that the object of the framers of this Act was to convenience the people as much as possible. The object of appointing a repleviner for each division seemed to be to have them within a reasonable distance of any tenant, and so to save him trouble. But this object would be defeated if he were compelled to travel first to the county town, to the clerk of the peace; he might have to travel a journey of forty miles, and back—in all, eighty or ninety miles, before he could have a replevin. The object of this amendment was, that the Civil Bill should be lodged with the repleviner of the district, when the distress was made, by whom it should be forwarded to the clerk of the peace.

Mr. *O'Loghlen* objected to the Amendment, considering, that the business must be done by some one, and he thought it as well it should be done by the party, as by the repleviner.

Clause agreed to.

On Clause 12, directing the Assistant Barrister to hear and determine such Civil Bills,

Mr. *French* wished to call the attention of the hon. Gentlemen opposite to this clause, and to the three which immediately followed. It appeared to him there ought to be a decree against the obligors of the bond, at once, with stay of execution for a certain time, say ten days. Why, he would ask, after a full hearing, should the defendant, or person distraining, have to wait till the next Sessions, generally a period of three months, and then have to commence a fresh suit against the obligors of the bond; if they agreed to be answerable, why should they not be made so at once, without the trouble and expense of a new suit, in a case where, in fact, there was nothing new to litigate? The amount of debt and costs was decided by the first suit, the mere form of a decree against the obligors was all that was required, and this might and ought to be had in the first trial, with such stay of execution as might seem reasonable. The obligors should have leave to prove the goods distrained were not worth the rent and costs, and a decree should only go against them to the value so proved. He doubted very much the option of returning the goods ought to be given to them. Several months might intervene between the seizure and payment; in that time the value of the article distrained might be entirely changed. Goods of a perishable nature might be spoiled, and the value of live stock might, from neglect or otherwise, be reduced to half of what it was when the security was given.

Mr. *O'Loghlen* admitted, the necessity of a second suit against the obligors ought to be obviated, and if the hon. Member would leave it to him, he would, on the Report, bring up a clause to that effect. He did not, however, concur with his hon. Friend in the expediency of striking out the 15th Clause.

Clause agreed to.

Clause 17—Legacies and distributive shares payable out of assets of any deceased person (when such assets shall not exceed 200*l.*) recoverable by civil Bill.

Mr. *Shaw* did not object to the principle of this clause, but he thought in practice that there would be considerable difficulty in ascertaining whether all just debts had been paid, and in putting the assets in a due course of administration. He was apprehensive that no machinery would be found sufficient for the purpose in the courts of the assistant-barristers.

Mr. *Lynch* admitted, the want of machinery in the assistant-barristers' courts was the difficulty in this case. He had before endeavoured to remedy that, by introducing a machinery which he afterwards abandoned; but he understood, that such accounts were in some cases taken by the assistant-barristers. A gentleman had been sent from Ireland on behalf of the assistant-barristers, and he understood from him that this difficulty was not insuperable.

Mr. Sergeant *Jackson* admitted, that in some instances assistant-barristers did take such accounts, and he conceived on the whole, it would be an improvement in the administration of justice in Ireland, to give assistant-barristers jurisdiction where the assets did not exceed 200*l.* The House was, however, then exceedingly thin, and he thought it would be better to postpone the consideration of so important a subject until a future occasion, particularly as a gentleman, on the part of the assistant-barristers, had that day arrived in town, who could give some important information on the subject. The Committee were then entering upon an exceedingly important class of clauses. Neither side of the House were actuated by party views with respect to this measure, and the object was to make it as perfect as possible; he would, therefore, put it to the hon. and learned Member (Mr. Lynch) whether he would, under the circumstances, press the consideration of those clauses in the then state of the House?

Mr. *O'Brien* hoped his hon. Friend would not listen to the suggestion, but proceed with the Bill.

Mr. *Lynch* said, he had had a conversation with the gentleman who had arrived on behalf of the assistant-barristers, and he did not understand him to object to this clause.—Clause agreed to.

On Clause 39, regulating hours of sitting of Courts of Quarter-sessions,

Mr. *Shaw* approved of the hour stated in the clause as an excellent general rule for the practice of the assistant-barristers, but he considered it should rather be directory than mandatory, otherwise the validity of the decrees might be affected to the great prejudice of the suitors; and with respect to Civil Bills, he had learned from some assistant-barristers, that great inconvenience might accrue to the poorer suitors of the court, if there was a peremptory rule, that no business should be proceeded upon after six o'clock. The convenience of the public, and not of the assistant-barrister, should be the consideration.

Mr. *Lynch* said, that this clause had been much discussed before the Committee, and it was deemed advisable to retain it.

Mr. *Ingham* thought, that no peremptory rule should be fixed; the adoption of such a course would be attended with great public inconvenience.

Mr. *O'Loghlen* should not have the slightest objection to add a provision according to the suggestion of the right hon. Gentleman, to prevent the validity of the decree being affected, so as the suitor should not suffer, but he thought some rule ought to be laid down, regulating the hours of sitting. He knew cases in districts where the Insurrection Act was in force, in which great inconvenience arose from late sittings. The Insurrection Act compelled all persons residing in the district to be within doors from sun-set to sun-rise, and the assistant-barristers were in the habit of sitting so late as nine or ten o'clock at night.

Mr. Sergeant *Jackson* coincided with his right hon. Friend, (Mr. Shaw) in thinking that the public convenience ought to be consulted in preference to that of an individual. He thought it would be a hardship upon poor suitors who might live at a great distance, where, perhaps, there were few cases undisposed of; if, suppose, on a Saturday evening, sitting an hour longer would dispose of all the cases, they would have to go home thirty or forty miles, and return again on Monday morning. As a general rule, he approved of the hours prescribed, and in all criminal cases he thought no new case ought to be entered upon after six o'clock.—Clause agreed to.

The House resumed.—Committee to sit again.

HOUSE OF COMMONS,

Thursday May 12, 1836.

MINUTES.] Bills. Read a second time:—Divisions of Counties.

Petitions presented. By several HON. MEMBERS, from the Legal Profession of various Places, for the Repeal of the Duty on Attorneys'Certificates.—By Dr. BOWRING, from the Weavers of Bacon-St., Bethnal Green, and Holmforth, for the Alteration of the Factories' Regulation Act.—By several HON. MEMBERS, from various Places, for the Repeal of the Duty on Newspapers.—By Mr. GORING and Mr. EWART, from Henfield, Liverpool, for the Repeal of the Duty on Church Building Materials.—By several MEMBERS, from various Places, for the Better Observance of the Sabbath.—By Major CURTEIS, from Rye, for the Reduction of the Duty on Fire Insurances.—By Captain ALSAGER, from Wandsworth, for the Repeal of the Duty on Spirit Licences.—By Mr. F. SHAW, from various Places, for the Repeal of the Excise Licences Duties (Ireland).—By several MEMBERS, from various Placos, for the Mitigation of the Criminal Laws.—By Mr. SCARLETT, from Suffolk and Norfolk, against the Copyhold, Manorial Boundaries, Escheats, Descents, and Heriots Bills.

DIVISIONS OF THE HOUSE.] Sir *C. Burrell* complained of the time lost by the present mode of taking the Divisions, and of the inaccuracies resulting from it. In two instances (respecting Carlow, &c.) his name had been omitted in official lists.

Mr. *Hume* said, that he must deny the correctness of the first allegation; the divisions did not occupy more time now than they did formerly. As to the second charge, his name had been once or twice omitted; but these were exceptions—they proved nothing against the rule. He did not mean to say, that the system was perfect—he wished it was. It was as complete as they could make it; and if the hon. Baronet could devise a more complete system, it would become him to name it.

Mr. *Wakley* observed, that he had occasionally been engaged as teller, and had found great difficulty in the performance of that duty, from the unwillingness of many Members to mention their names when the divisions were taking. He had asked many for their names, but could not get them. While that unwillingness continued, some inaccuracies were almost unavoidable, at least till some Members were better known, or till the system were rendered more perfect. The present plan was not perfect, and, perhaps, not the best that might be devised, but it was eminently useful. The great deficiency at present was, from the unwillingness of Members to state their names. The plan had so far worked well, that he hoped soon to see it extended to divisions in Committees; at all events, the existing plan could not be stopped, for Members might rest assured that the people were determined to know how they voted.

Colonel *Sibthorp* observed, that with regard to the alleged unwillingness to deliver in names, he knew nothing of it;—he was not afraid to announce his name, and he thought that his name would have quite as good an effect in any division as that of the hon. Member.

The conversation dropped.

JOINT-STOCK BANKS.] Mr. *Clay*: In rising to bring forward the subject of which he had given notice, said, Sir, I have to bespeak the indulgence of the House. The subject which I am about to bring under its notice is one, in itself, but little attractive, and deriving no adventitious interest from any aptitude to excite the feelings of party; but it is a subject, nevertheless, of the very greatest importance, and one, I can venture to assure the House, urgently requiring an early and careful, not to say anxious consideration. The motion I am about to submit to the House is as follows:—"That a Select Committee be appointed to inquire into the operation of the Act of the 7th George 4th, c. 46, permitting the establishment of Joint-stock Banks, and whether it be expedient to make any, and what alteration in the provisions of that Act." Under that Act a system of Joint-stock banking has grown up already of great magnitude, which is daily extending its ramifications, and which promises very shortly to comprehend every portion of the kingdom, and every class of the population within the sphere of its operation. Of the vast importance of the consequences, whether good or evil, which must eventually flow from the workings of this system no man can reasonably doubt; banking forms, as we know but too well from our own experience, an important, perhaps the most important, part of the monetary system of any country, and the question of the soundness therefore of the principles on which it is conducted touches not only the welfare of the commercial and manufacturing classes, but deeply affects every relation of social life, and is consequently beyond most others deserving of the earnest attention of the Legislature. My object is to induce the House to inquire whether the system of Joint-stock banking in this country has received the best legal developement of which it is susceptible. It is capable of conferring great benefit on the community, but may, if ill regulated, give birth to as great calamities. Have we taken all the means within our power to secure the one and to obviate the other? I think not. But before entering on this question, before stating what I consider the imperfections of the law by which Joint-stock banking is at present regulated, and how those imperfections may be best remedied, it may be well that I should recall to the recollection of the House the circumstances under which the existing system originated. The history of the year 1825 must be familiar to every hon. Gentleman who hears me; the mad excitement, the idle dreams of unbounded prosperity, the wild projects at the commencement of that memorable year, the wide-spread distress, the still more widely-spread alarm which attended its close, are not, I am sure, forgotten by this House, and will not be, I trust, forgotten by the public. On the assembling of Parliament in 1826, his Majesty having called its attention to the calamities which had signalized the period then recently elapsed, and to the consideration of the best means of obviating the risk of their recurrence, two measures for that purpose were submitted by the Government of that day to both Houses. The first was for a suppression, at an early period, of all notes under *5l.*, issued by private banking establishments, the Bank of England having already discontinued the issue of such notes. On this measure (in my opinion, a most salutary one) it is not necessary that I should at present comment; the second was intended to create a sounder system of banking. In the panic a very great number of country bankers stopped payment—fifty-nine commissions of bankruptcy were issued against country banks from October 1825, to February 1826, and many suspended their payments whose affairs did not proceed to bankruptcy. An opinion in consequence became prevalent, that one of the causes most operative in producing the crisis just then overpast, was to be found in the law, which, by restricting partnerships consisting of more than six persons from issuing notes, and, indeed, as was supposed (although, as subsequently appeared, erroneously), from carrying on the trade of banking altogether greatly enhanced the difficulty of forming solid establishments for that purpose. To the relaxation of that law, originally enacted in 1708, to confer on the Bank of England a monopoly of the power of issuing notes, it was necessary to obtain the consent of the Bank, as its re-enactment was part of the last as of previous bargains with that Corporation. Accordingly the First Lord of the Treasury and the Chancellor of the Exchequer, the late Lord Liverpool and Lord Goderich (then Mr. Robinson), had, on the 3d of February, written a letter to the Directors urging such consent. It is not necessary that I should trouble the House with reading either that letter, or any portion of the correspondence between the Government and the Bank Directors, consequent on the application it contained. The result of the negotiation was, that the Bank consented to wave its exclusive privileges in that particular, provided that the banking copartnerships under the new law were not to be established at a less distance than sixty-five miles from London, and that every member should be individually liable for the whole debts of the firm. In the course of the Session an Act was passed, the 7th of George 4., c. 46, embodying the conditions. As a law for the general regulation of Joint-stock banking, this Act was avowedly imperfect: the Ministers of that day stated, not that the Act was the best that, in their opinion, could be framed for the purpose, but that it was the best which the then existing bargain with the Bank of England allowed them to bring forward, and most deeply is it to be lamented, that advantage had not been taken of the renewal of the Bank Charter, in 1833, to establish a sound and enduring system of Joint-stock banking, as far as that object can be accomplished by the interference of the Legislature; that opportunity was lost. Lord Althorp did, indeed, propose conferring charters of limited liability on such Joint-stock Banks as would issue only Bank of England notes; but subsequently abandoned that intention, and the only change then made in the law relating to these establishments, was permitting them to make their notes payable in London. The laws regulating the trade of banking by partnerships of more than six persons in England and Wales are briefly as follows:—They must not be established at a less distance than sixty-five miles from the metropolis. They may issue notes payable on demand at the place only where issued, or payable in London, and where issued. They may discount in London bills of exchange. They must, before issuing notes, enter at the Stamp-office in London the name of the copartnership, the names and residences of the partners, and the names of two or more officers of the copartnership through whom they may sue or be sued. A like return must be made every year, and also whenever a change takes place in the officers, the members, or the places where notes are to be issued. Execution on judgments and decrees obtained against the officers may be sued out against any member of the co-partnership. This responsibility attaches to persons retiring from the company for three years, as far as relates to transactions occurring whilst they were members. Under these laws, a system of Joint-stock banking has grown up already, as I have said, of vast extent, and day by day enlarging the sphere of its action. By a return to an order of this House, of the 21st of March last, it appears that there were at that date sixty-one Joint-stock Banks established, with their branches, at 472 places, and consisting, in all, of 15,673 partners or shareholders. Of these, three were established in 1826, four in 1827, six in 1829, one in 1830, eight in 1831, seven in 1832, ten in 1833, ten in 1834, eight in 1835, and four in this year, to the 21st. ult.; and since the date of the return five have been entered at the Stamp-office—one of them having twenty-four branches and 2,052 partners. More companies I know to be in a course of formation, and there are probably others of which I have not heard. Now, Sir, I cannot but think that the circumstances I have now stated to the House—the vast and growing extent of the system of Joint-stock banking on the one hand, the absence of all legal control over the working of that system on the other, constitute a state of affairs very far from satisfactory, and, especially if looked at in combination with certain others, or, at least, without considerable anxiety. We have called into existence, we have introduced into our monetary system an element of tremendous power. We have taken no precaution to limit or control its operation. I say no precaution for the provision of the Act 7th George 4th cap. 46, which imposes unlimited liability on all the partners in Joint-stock Banks, whilst it is, in my opinion, attended by inconveniences of the gravest kind peculiar to itself, has failed, and always will be found to fail, as a means of guarding against proceedings on the part of such establishments, perilous to themselves and injurious to the community. The dangers to which our present system is exposed arise mainly from these causes; by permitting an unlimited number of persons to combine for the purpose of carrying on the trade of banking, you confer on them an enormous power of creating an extensive business; by rendering all the shareholders individually responsible, you afford the most dangerous facility in obtaining credit, whilst you take not the smallest precaution that such banks shall possess capital commensurate with the engagements into which the powers and facilities you bestow, will tempt them to enter. I can conceive no state more dangerous for any commercial community than one in which a system composed of such elements should be in full activity, in which the country should be covered with Joint-stock banking companies, enabled to extend their operations through the thousand channels open to them by means of their shareholders, and feeling no necessity to limit the accommodation they afford from want of funds, the place of which, for a certain length of time, at least, their credit will supply. I can conceive no state more directly tending to produce that excitement, that overtrading, that apparent prosperity, so pleasant in its advent—so bitter in its consequences. If there be one case in which legislative interference with the intercourse of individuals could be justified equally by reasoning and experience, beyond all doubt it would be an interference to obviate the dangers which an abuse of the powers and facilities of Joint-stock Banking inevitably tends to produce. We have made no such attempt. There is in the 7th Geo. 4th, no restriction or limitation whatsoever, either on the process of forming, or subsequent proceedings of these companies. The one sole condition is, that every partner shall be liable to the whole extent of his fortune; and those who may deny that any change in the law is necessary, must be prepared to show that the one provision of unlimited liability is sufficient to secure the stability of a system on which it is quite evident that the whole banking of the country is at no distant period destined to be conducted. Will that condition ensure an observance of the caution essential to stability? Our own experience of almost half a century is a sufficient reply. Banking in England has (with the exception of the Bank of England) been hitherto on no other footing. Need I remind the House how far from stable that footing has proved? In 1791 and 1792, one hundred country banks were swept away. There had been then no bank restriction, and there were no small notes. But was the system more secure during the bank restriction, and whilst the country bankers had the power of issuing small notes? From 1809 to 1819, no less than 174 commissions of bankruptcy were issued against country bankers; and after we had again returned to cash payments, from 1819 to 1826, including the time of the panic, ninety-nine commissions were issued. To these bankruptcies must of course be added the many cases of temporary suspensions of payment and arrangements with creditors stopping short of bankruptcy. But it may be said that, as these were not Joint-stock Banks, the illustration does not apply; but, we will examine how far the consciousness of individual responsibility will suffice to ensure the requisite caution in conducting the trade of banking, and if it be found that such consciousness has failed to secure prudent conduct in private banking establishments, the probabilities are infinitely less that it will have that effect in Joint-stock Companies. In such companies, the feeling of responsibility is less intense in proportion as the bulk of the partners take no share in the operations by which that responsibility is incurred—their very numbers and aggregate wealth generate a careless confidence, whilst the temptations to improvidence are almost incalculably increased by the facility of credit which those very circumstances produce. But I shall, perhaps, be told that the losses they may sustain is a matter with which the public has no concern. Sir, we must carefully distinguish between immediate and ultimate solvency. With ultimate solvency, it is true, that the public has no concern. Whether the assets of a bank stopping payment prove sufficient to pay one per cent, or twenty per cent, in the pound is a question almost wholly without interest to the public. The real injury to the community, produced by the working of an unsound system of banking is, first, in the waste of capital consequent on the overtrading which it creates or stimulates; and, secondly, in the shock to credit—the alarm, the distrust, and lessened demand for labour, which the extensive failure of banking establishments inevitably produces. How far, then, does unlimited liability in the partners of Joint-stock Banks afford a security against the stopping payment of such establishments? Not only does it afford no such security but it inevitably tends to augment the risk of such occurrence. The credit obtained by such banks will be in proportion, not to the paid-up capital, but to the presumed extent of their ultimate solvency—their engagements in prosperous times will be in proportion to the credit so obtained; but should a period of difficulty arrive, the paid-up capital would be the only fund to which recourse could be had. To suppose that a call on the shareholders, at such a moment, would be attended to is visionary. Many among them themselves would probably have need of all their disposable funds, and none of them would be found to advance money, the return of which from their brother shareholders might reasonably be considered problematical. Of by far the greater portion of Joint-stock Banks at any time existing, the ultimate solvency could not be doubtful; but by how frightful a process would that solvency be put to the test. I have already stated, that execution on judgments obtained against the officers of Joint-stock Banks may be sued out against any of the partners. In the case of a suspension of payment by one of these establishments, the most opulent shareholders would of course be selected for attack, and respectable and wealthy persons might, if the engagements of the bank were large, be reduced at once to beggary, and left to recover their lost fortunes by suits in Chancery against their partners for their proportion of the debts of the concern. It is also by no means clear that every partner in a Joint-stock Bank is not subject to the operation of the Bankrupt-laws, with all their train of formidable consequences. But the mere misery thus created is but a small portion of the evil to be dreaded. If a period should ever arrive in which several of these establishments should become embarrassed, and legal proceedings be had against individual shareholders, it is certain that suspicion would arise generally with regard to shareholders in all such concerns. The creditors of persons thus circumstanced would feel the inclination to secure what was due to them before the property of their debtors became liable for the engagements of the bank ; and a state of distrust, discredit, and alarm would occur, far more widely spread, and more disastrous, I firmly believe, than any we have yet witnessed. If a private bank fail, its immediate connexions alone are liable to suspicion: the distrust created by the stoppage of a Joint-stock will extend more widely in proportion as a greater number of persons are implicated in responsibility. The House will not think that I have overrated the importance of this consideration, when it bears in mind that nearly sixteen thousand persons, many of them commercial men of considerable eminence in the great towns of England, are partners in these companies. There are other evils attendant on the present state of the law as regards Joint-stock banks, of no inconsiderable magnitude, although trifling compared with those to which I have just adverted. Prominent among these is the facility afforded by the existing law for getting up, in a moment of excitement, bubble companies—companies, I mean, of which the projectors have no other object than to make a profit by jobbing in the shares. It is scarcely possible, indeed, to conceive a state of the law affording a more direct temptation and encouragement than the present. Under the 7th George 4th, a company for Joint-stock banking may be formed with a nominal capital, we will suppose of a million—10,000 shares of 100*l.* each. It may commence business with 500 or 100 shares really taken—for to constitute the company according to the Act, it is sufficient that half-a-dozen shareholders and two officers enter their names at the Stamp-office. Upon those shares 40*s.* or 20*s.* each may be paid up, for the Act requires no paid-up capital, and if the projectors can provide funds to procure mahogany desks and brass door-plates, they are authorised to establish branch banks in every town in the kingdom sixty-five miles from the metropolis, for in the Act there is no limitation of the number. A fictitious dividend may be declared, for the Act prescribes no publicity ; and when by this, or any other contrivance, the shares have been raised to a premium, the reserved shares may be issued ; the profit thus obtained furnishing a fund from which further dividends may be made, and fresh delusions practised on the public. Even the principle of responsibility of the individual shareholders is, in the existing law, by no means efficiently worked out. No publication of the names of the shareholders is prescribed, and it is quite possible, therefore, that all the parties whose names were originally the means of raising one of these companies into credit may withdraw, and the confidence of the public might thus be found to be resting on grounds altogether illusory. It is only by application at the Stamp-office that the names of the partners in any Joint-stock Bank can be ascertained—a process but little likely to be resorted to with respect to establishments at a considerable distance from London. I may add that, in point of fact, the changes of proprietors, although required by the Act to be registered at the Stamp-office, are not always registered ; and indeed, if every transfer of every share in every Joint-stock Bank is to be entered at the Stamp-office, some new and extensive arrangements must be made for the purpose. Having, Sir, now stated to the House what I conceive to be the defects in the existing law, and the evils likely to flow from those defects, it may be expected that I should state to what extent existing circumstances illustrate the arguments I have used, and whether there be any symptoms indicating the near approach of those dangers and inconveniences which I have stated to be, in my apprehension, of probable occurrence. Sir, I will confess that this is ground on which I tread reluctantly, and on which if I venture at all, it will be with the utmost caution and reserve. In the first place, it will be observed that a large proportion of the Joint-stock Banks comprehended in the return on the table—the only banks yet in operation—were established before the present excitement, and are, therefore, not open to the suspicion of being got up with any other than the avowed object. In the next place, I am quite persuaded that, with regard to very many of these establishments, no want of caution can be fairly imputed to those by whom they are conducted, and where a course has been pursued open to objection, the error is rather to be attributed to our own faulty legislation, than to those by whom the mistaken principles, sanctioned by the State itself, have been practically brought into operation. Still there are facts and circumstances connected with the actual working of the Joint-stock Banking system which may be stated with a due regard to the caution, which it appears to me every man, but especially every Member of either House of Parliament is bound to observe in making statements which can by possibility affect the commercial credit of the country. For the following table I am indebted to the courtesy of the Directors of several banks:—

JOINT STOCK BANKS.

By return from the Stamp-office, dated 21st March, 1836....		61	
Omitted		1	
Of the above—			— 62
In process of formation	3		
Private, although included in return, having more than six partners	4		7
			69
	55		
No returns from	9—46		

Banks.	Shares.	Shares Issued.	Nominal capital.	Capital paid up.
46	821,050	529,397	£30,930,000	£5,922,505
	of shares.	63 per cent.	of capital.	19 per cent.

Of the above forty-six banks, four having a nominal capital of 9,500,000*l.* and paid up capital of 1,474,600*l.*, do not issue their own notes. The present circulation of notes by the whole of the Joint-stock Banks, including, of course, those of which I have not been able to state the capital, is 3,094,025*l.* In December, 1833, it was 1,315,301*l.*, no great increase when the increase of their number is taken into account, and it is also recollected that the private bank circulation has fallen off 500,000*l.* in the same period. But it is by no means by the amount of issue of notes alone that the effect of the operations of the Joint-stock Banks upon the monetary system of the country is to be measured. The means strictly within the power of such of these establishments as do not issue notes, of affording accommodation to their customers, consist, of course, first, of their paid-up capital; and secondly, of the money deposited in their hands. Of the amount of this latter item I have no means of forming a correct estimate, but as these establishments are comparatively of recent formation, and large deposit accounts can only be the growth of years, it is not probable that the deposits with the Joint-stock Banks can be very large, perhaps not commonly greatly exceeding the amount of the paid-up capital. In the case of such as issue notes, the amount of circulation must be added to their means of giving accommodation. But I believe I am justified in stating that the accommodation afforded in many instances by these banks very considerably exceeds the combined amount of paid-up capital, deposits, and circulation. They are enabled to give this accommodation by re-discounting in the London market. Large amounts of bills are discounted by these establishments in the country at one rate of interest, and negotiated in the London market at another—the profit of the bank, of course, consisting in the difference between the discount they charge, and that which they pay on the transaction. In the case of banks not issuing paper, this is done through the Bank of England, which, up to a certain extent, will discount for such banks at three per cent. In the case of banks issuing their own paper, it is done through bill-brokers in London. Now, I believe, I am justified in saying, that this practice of re-discounting is not considered by the most skilful and prudent among private bankers as a very creditable or business-like proceeding—nor one which could be carried to any considerable extent by a private banking establishment without exposing it to suspicion and discredit; as showing conclusively that it was in want of disposable funds, and getting into engagements beyond its strength to manage. But this practice thus repudiated by private bankers is freely resorted to by some, at least, of the Joint-stock Banks. The House will at once see how strong an illustration this fact affords of the principle which I have ventured to lay down, viz., that the very facility of credit which unlimited liability affords, tends directly to abuse, and, consequently, to danger. The endorsement of a bank known to contain among 500 or 600 members, many individuals of great wealth, will give currency to any Bill. "Do you not observe (said a broker to a person who expressed a doubt of the character of a bill offered to him for discount), that it has a thousand indorsers?" I by no means intend to assert that, under the sanction of these establishments, many accommodation bills have been negociated, although, perhaps, they may have been the means of introducing some paper of a questionable character into circulation. But, can no injury be done to the community, no danger be incurred even by an unlimited discounting of good bills—bills that are in payment of real mercantile transaction? I am far from thinking so; and I believe, that if, at this moment, the system of Joint-stock banking be working ill for the community, it is more through the facility it affords of a dangerous extension of bill accommodation than by any indiscretion in the issue of their own promissory notes on the part of these establishments. It is well known, that in periods of rising prices, and consequent excitement in the commercial world, persons will always be found ready to speculate in matters not within their usual trade, or to extend the operations of this legitimate business to the full extent to which they can obtain capital for the purpose. It is quite clear, therefore, that any Joint-stock Bank possessing, from the estimated liability of its many partners, an almost unbounded credit, may give a fearful stimulus to overtrading, without discounting or procuring to be re-discounted one single bill not drawn in discharge of a *bona fide* mercantile transaction. But is the credit of these Joint-stock Banks, when so employed, a sound and wholesome credit? Is it not, on the contrary, a credit in the highest degree hollow and dangerous, and one which would in a period of difficulty but too probably prove unsound? Suppose a change in the state of the London money market were to occur—that the re-discounts of which I have spoken could not be obtained, and that these establishments consequently must withdraw the accommodation they had hitherto afforded, is it not clear that great embarrassment would be felt by all the persons thus deprived of the support on which they had been led to rely?—an embarrassment almost of necessity shared by the Joint-stock Bank, which should have entered on a sphere of operations beyond the means under its direct and immediate control. To what extent the operations of the Joint-stock Banks may have contributed to create the present state of excitement in the commercial world, must, of course, be mere matter of conjecture. That they have had some considerable influence is probable from the fact that the excitement and rage for speculation is greatest in those parts of the kingdom where the operations of those establishments have been most active. London has been comparatively unmoved, but Liverpool and Manchester have witnessed a mushroom growth of schemes not exceeded by the memorable year 1825. I hold in my hand a list of seventy contemplated companies for every species of undertaking which have appeared in the Liverpool and Manchester papers within the last three months. This list was made a fortnight or three weeks since, and might, probably, now be considerably extended. It is impossible also, I think, not to suspect that the facility of credit and consequent encouragement to speculation to which I have alluded, can have been without its effect in producing the great increase of price in almost all the chief articles of consumption and raw materials of our manufactures. That increase has been enormous —not less than from twenty to fifty and even 100 per cent in many of the chief articles of produce of consumption, and materials of our manufactures. I am quite aware that there is every indication of this advance of price being sound—that it has arisen from consumption outrunning supply —and that our manufactures are working on orders rather than speculation. But I cannot forget that the excitement of 1825 commenced legitimately—that the rise of prices will infallibly check consumption, whilst it stimulates supply; and when we look at the amount of our paper currency resting at this moment on the somewhat narrow metallic basis of the bullion and specie in the vaults of the Bank of England, it is impossible not to feel the apprehension, or at least the propriety of a caution and forethought. The circulation of the Bank of England, as appears by the last average in the *Gazette*, is—

Circulation of the Bank - - - -	£18,063,000
Deposits with ditto - - - -	14,751,000
	32,814,100
Private and Joint Stock Banks - - -	11,447,919
	44,261,919
Probable amount of Scotch and Irish currency	10,000,000
	54,261,919
Specie and Bullion at the Bank .. £7,801,000	

It is right that I should say that I cannot approve of the course taken by the Bank of England in this matter. The Directors of that establishment acting, I doubt not, with the most conscientious desire to protect the interests of the community, have not taken, in my opinion, the wisest course to effect that object. With a desire to discourage the circulation of the notes of Joint-stock Banks, they afford facilities, as I have said, to such an issue of Bank of England notes. I cannot think that this mode of forcing issues is a legitimate mode of proceeding on the part of that Corporation, combining, as it evidently does combine, an increase of the currency, which may not be required, with a temptation to the Joint-stocks thus supplied with their notes, to afford indiscreet accommodation. Another practice, to which I may allude, of these companies is their making advances on their own shares—a practice clearly liable to abuse, and which might, if carried to its possible extent, deprive the public of the whole security apparently afforded by a paid-up capital. Some of the companies now in the course of formation, propose in their advertisements to make to their shareholders an advance equal to two-thirds of what they may pay on their shares. The practice, again, of reserving shares on the first formation of a company, to be issued subsequently at a premium, has been resorted to by companies highly respectable —and it was indeed hardly to be expected that any companies should hesitate to avail themselves of a profit so easy, and which the Legislature had taken no steps to discourage. It is, however, in my opinion, a source of profit inadmissible under a sound system—opening the door, as I have already said, to delusion, and leading to the concoction of schemes having no other object than jobbing and speculation in shares. I am quite persuaded, as I have before observed, that the banks included in the return now on our table were established with no such object—they may have, in some instances, availed themselves of the advantage thus presenting itself; but I am satisfied no other profit was originally contemplated than such as might be legitimately derived from the business in which they were about to embark. But it would be mere credulity to suppose, that of the banks which are now springing up in such profusion, all have been concocted without reference to profit, so much more easy to secure than those arising from real business properly conducted. I ought not to omit to mention that some of the existing Joint-stock Banking Companies—and among the most respectable too—have availed themselves, to an extent which I considered highly inexpedient, of the permission of the Legislature to establish branches. Some have from forty to fifty branches, the most remote from the centre being 100 or 200 miles apart. And now, Sir, having stated what I conceive to be the defects in the laws by which Joint-stock banking is regulated, and adverted to the evidence which existing circumstances afford of the evil consequences flowing from these defects, it is my duty to point out how those defects may be remedied. Assuredly, Sir, if I had believed with some persons that the inconveniences and perils which I have pointed out in our present system of Joint-stock Banking were so inherent in the very nature of that system that they could by no legislative interference be separated from it, I should not have been justified in bringing this matter under the notice of Parliament; but I entertain no such belief. I am convinced that the defects in our present system are capable of remedy; and I shall, therefore, in conclusion, state briefly the nature of the remedy I would recommend. It consists merely in the adoption of three great principles—limited liability, paid-up capital, and perfect publicity. Of these three I have no hesitation in saying that I must rely on the first, without which, indeed, the two latter will be comparatively of little value. By permitting only Joint-stock Banks, with limited liability, I would crush at once the spurious credit at present enjoyed by these establishments from the responsibility of the individual shareholders, and reduce the credit to be obtained by a Joint-stock Bank within its legitimate bounds—viz., to the exact extent of its paid-up capital and available money resources. It is impossible, in my opinion, that this House or the public can be too deeply impressed with the importance of this principle. The collection and distribution of monied capital is the only legitimate object of banking. The money actually possessed by a bank, or held by it on deposit, is the only sure and safe basis on which its engagements and the extent of the accommodation it should afford can be calculated. All credit beyond this is spurious and unsafe. The credit of each of the shareholders of these banks is already tasked probably to its full and legitimate extent in his individual capacity. To permit it to operate again in the aggregate is a cruel permission to the individual, and most injurious to the public. To encourage the intervention in the monetary system of the country of a circulating credit grounded upon the supposed aggregate fortunes of the shareholders is to attempt to coin into money the lands, the houses, the factories, the fixed capital of the country. It is to fall again into the famous error of Law's Mississippi scheme; and whatever form the credit thus created may assume—whether of bill circulation, cash credits, or issue of notes—most certain it is, if there be truth in reasoning or experience, that the credit so created is altogether hollow and illusory, and must sooner or later issue in deep distress to the individuals concerned, and great calamities to the community. By the permission to establish banks of limited liability also, we should acquire the most important of all securities for the good conduct of such establishments, viz., a certainty that the most respectable persons in the community would become partners in them. Once remove the well-founded alarm which the being engaged in indefinite responsibility inspires, and you would have spring up in every part of the kingdom banking companies, comprehending in their proprietary all the wealth and intelligence of the district, conducted on sound principles, because the shareholders would be well contented with moderate profits, the very key-stone of sound banking when to be obtained with security. I would grant such charters, however, only on the two conditions—first, of the whole capital of the bank being paid up; and, secondly, of entire publicity. From these provisions many important advantages would flow—they would effectually put an end to any getting-up of these companies as mere bubbles for the purposes of speculation. There could be no holding back of shares subsequently to be issued at a premium—no fictitious profits to be created out of those very premiums, and as a real outlay would be required, no banks set on foot by persons without substance. The publicity that I would require, moreover, would be real, searching, and effective—making clear to the apprehension of all men the circumstances of the bank both as to its assets and liabilities. Such publicity, so far from being injurious, would be in a high degree beneficial to sound and well-conducted banking establishments, and we should permit no other. On this head the House will permit me to read an extract from a letter from the manager of one of the existing Joint-stock Companies. "On first establishing this concern, the Directors came to their vocation with all the bias respecting the absolute necessity of secresy, which prevails in private banks—a gradual change has, however, arisen in the minds of the Directors, as they have watched the progress of the Joint-stock banking system. Seeing the great additional security which it would afford for good management, the necessity under which it would lay weak banks to call up more capital, and the confidence which the public would derive from an actual knowledge of the state of their affairs, we should now feel little objection to giving the greatest publicity to the state of our issues, liabilities, and assets, provided such publication were generally required." Into the detail of the regulations by which I would propose to work out these great principles I do not now enter—they will be proper matter for consideration in the Committee which I shall propose to the House to appoint. I am well aware that many schemes have been proposed for rendering Joint-stock banking safe which do not involve an admission of the three great principles I have stated as essential; but valid objections may in my opinion be raised against all those schemes, and it is still less necessary, therefore, that I should occupy the time of the House in discussing them. The application of these principles involves, in my opinion, all within the power of legislation to effect towards the establishment of a sound system of banking; but I also think that those principles, if judiciously applied, will be effectual fort he accomplishment of that object, and I have yet to hear one valid argument against the so applying them. To the adoption of these principles all experience points. The Bank of England presents an example of stability which has never been doubted; but it has had limited liability and large paid-up capital. Can any one doubt but that, if publicity had been enforced on it, great errors would have been avoided, and great calamities spared to the country? Scotland, I know, may be quoted as furnishing an exception to the rule I would establish; but I believe it might be shown, by a reference to the history of Scotch banking, that exception is more in appearance than reality, and that peculiar circumstances in Scotland have caused the banks of that country to fail in one important particular, viz., paid-up capital, within the rules I would lay down. It should not be forgotten that the three Scotch banks, which preceded by many years the establishment of the others, and gave the tone to public opinion on the subject of banking—viz., the Bank of Scotland, the Royal Bank of Scotland, and the British Linen Company were chartered banks of limited liability, and large paid-up capital. In the United States of America the same conclusion has been come to by a people, than whom none exists more intelligent, more sagacious, more practically wise, or more capable of drawing useful lessons from experience. In the United States the trade of banking has never with, I believe, but one instance of exception, been carried on by individuals, or firms of a small number of partners; it has always been in the hands either of Joint-stock or Incorporated Companies. The people of that country have, therefore, extensive, and, in but too many instances, calamitous, experience, of the working of a system yet in its infancy with us. The result of that experience is the adoption almost universally of the principles I have laid down—viz., limited liability, paid-up capital, and perfect publicity. In 1833, the President determined to withdraw the Government balances from the Bank of the United States, and deposit them in banks in the several States. For this purpose twenty-three banks in different parts of the Union were selected. Of course, the banks selected were among the first in point of character and solidity. The charters of all were laid before Congress. I have looked carefully through those charters, and can assure the House, that with some slight and doubtful modifications in one or two, as to the liability of shareholders, they embody those principles. Several of the leading States of the Union—Pennsylvania, New York, and Massachusetts, have enacted general laws for the regulation of banking. Those laws are pervaded by the same principles. Many other and stringent regulations are laid down for the government of banks, which an experience of the calamities flowing from malversation in such establishments has led the people of the United States to adopt; but in no laws that I have seen are the principles of limited liability, paid-up capital, and publicity, in the main departed from. The House will, I am sure, feeling how important is the lesson we may derive from the experience of our trans-Atlantic brethren, pardon me for referring especially to one general Act passed in America on this subject. The House is, no doubt, aware that all legislation in the United States, except on certain specified subjects, falls within the province of the State Legislatures. It is also, I doubt not, aware that the district of Columbia, in which Washington is situated is under the direct control of Congress; any laws, consequently, for the Government of that district, may be considered as emanating from the collective opinion of the whole Union. In 1817, a law was passed by Congress for the regulation of banking in Columbia. What were the provisions of that law? At that time there were in that district Joint-stock Banks; the Act constituted them all Corporations, on compliance with certain conditions, the most important of which were, that their whole capital should be paid up before the 1st of January, 1819, and that they should every year lay a complete statement of their affairs before the Secretary of the Treasury; it further prohibited, by heavy penalties, all other parties from carrying on the trade of banking. To the example of America I may add the authority of some of those statesmen among ourselves most worthy to be listened to on such subjects in favour of liability. In a discussion in the House of Lords on the Bank Charter Amendment Bill, on the 17th of February, 1826, Lord Liverpool said, "The measure he had to propose was but a half measure; and why was it so? because they had the chartered rights of the Bank of England to contend with. This was an obstacle to their going further at present; they ought to go further whenever they could. The Bank had consented to allow the restriction as to the number of partners in country banks to be removed, and so far one difficulty was removed.*" In a discussion on the same Bill, in the Commons, on the 10th of February of that year, Mr. A. Baring said, "If persons had been allowed to combine, on condition of depositing their capital and of their limiting their responsibility to that capital, plenty of individuals would have been found ready to engage in such associations. Landed gentlemen would put down their 5,000*l.*, 10,000*l.*, or 20,000*l.* as might be convenient, and banks would then be formed all over the country on the best principles; solid establishments would be created, with which prudent men, with families, would be very willing to connect themselves.†" In the same debate, Mr. Huskisson said, "he allowed it would be a great improvement, if, under a proper system charter banks were established, with only a limited liability. It would, no doubt, induce many persons of great credit and fortune to invest their money in shares of such banks. But the Bank objected to the extension of this limited liability."* I have only further to state why I determined in bringing under the consideration of the House the propriety of an alteration of the existing law, to move for the appointment of a Select Committee, rather than for leave to bring in a Bill for that purpose. I was, Sir, first induced by the belief, that by a Select Committee important evidence might be collected, and placed on record, illustrating the defects in our present system. I was yet more strongly induced, I can assure the House, by an unaffected anxiety to have the assistance of a Committee, in devising a measure on a subject of such vast importance, and with respect to which, although it has long occupied my laborious consideration, I could not but be conscious I might have failed to advert to many important considerations. The opinion that some alteration of the law is necessary is, if I may judge from the communications I have received, all but universal; but opinion, both without and perhaps within these walls, is much divided as to what may be the most expedient alteration. The labours of a Committee may usefully guide us in a path yet new to us in legislation. I have now, Sir, only to thank the House for its indulgence. I regret that I should at such length have trespassed on its attention—and yet those who are conversant with the subject will be aware how much, for the sake of brevity, I have omitted. I have, however, I hope, stated enough to induce the House to concur in a motion I now put into your hands. The hon. Member concluded by moving, "That a Select Committee be appointed to inquire into the operation of the Act of the 7th George 4th, cap. 46, permitting the establishment of Joint-stock Banks, and whether it be expedient to make any, and what, alterations in the provisions of that Act."

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* Hansard, New Series, Vol. xiv. p. 461.

† Ibid. p. 209.

The *Chancellor of the Exchequer* did not rise for the purpose of following his hon. Friend through the whole of the argument into which he had entered on the present occasion, because, as he intended to express his concurrence in the appointment of the Committee, he should simply state the grounds on which that concurrence was founded, in order to prevent any possible misconstruction of the views taken either by the Government collectively, or by himself individually, of the character, nature, and tendency of the present motion. He did not complain, nor did he think the public could have any right to complain, of the course adopted by his hon. Friend. Neither the arguments contained in his hon. Friend's speech, nor the motion with which it concluded, ought to excite alarm in the mind of any person whatever. If, indeed, he thought that his acquiescence in the motion could be considered as in any degree calculated to affect the commercial credit of the country, he should have felt that there was a necessity for making out a much stronger case of exceeding danger than any he had yet heard stated, before he incurred so fearful a responsibility. At the same time, it was impossible to approach the consideration of any question which touched upon the currency of the country, and upon the general banking system, without being aware that they were in a greater or a less degree approximating to those great principles upon which all commercial credit depended. But he thought there were sufficient grounds to induce the House to acquiesce in the present motion, without suggesting causes of distrust or apprehension in the minds even of the most timid. His hon. Friend, it was true, in the course of his speech had pointed out many inconveniences, risks, and responsibilities, to which the proprietors of Joint-stock Banks were exposed. He believed it had been often said, that if a skilful anatomist were to point out all the risks to which the human frame was liable, no one would rise up with cheerfulness, or go to bed with resignation, so in matters of great speculation, if the parties about to engage in them were clearly to foresee all the chances of calamity to which they were exposed, it might prove a great hindrance to the free employment of capital. His hon. Friend would excuse him, he hoped, if he stated, that it was not on account of the difficulties which individuals might experience from the operation of Joint-stock Banks that he was disposed to concur in the motion. All parties had a right to exercise their own judgment in the application of their own property, and must take the consequence of success or failure. It was not on individual but on public grounds that he was prepared to enter upon the inquiry, and he therefore would not mingle, with this the main consideration, any notice of those awful consequences to individuals on which his hon. Friend had in the early part of his speech so much relied. He thought that the subject furnished a proper ground for a Parliamentary inquiry. He would put it upon this fair principle:—within a few years Parliament had adopted a new plan, and had passed a new law with respect to Joint-stock Banks. That new law had been brought into operation in many parts of the kingdom; and latterly its operation had been greatly extended. It was a law deeply affecting the interests of the whole community. It was, to a certain extent, an experimental law. It was right and proper then that Parliament should inquire what had been the result of that experiment. It was right that Parliament should inquire whether the law answered the ends for which it was originally framed. It was fit that Parliament should inquire whether it required any and what amendment. If such were the objects of the inquiry for which his hon. Friend moved, he for one was ready to admit that a case did exist upon which it was expedient that a Committee should be appointed. Undoubtedly, since the Act which had given occasion to the present motion passed, there had been a great and enlarged establishment of Joint-stock Banks. But let him take the liberty of earnestly cautioning the House against—he would not say the vice—but the error, to which popular assemblies were, perhaps, peculiarly prone. He meant a want of stability in their opinions from year to year, and the habit of rapidly rushing from one extreme to another. Let the House, for instance, look at those very debates in the year 1826 to which his hon. Friend had referred. What then was the cry? At that period what was the principle advocated in Parliament? The general declaration was this: that all the difficulty, all the distress under which the country was then labouring, was entirely to be attributed to the want of Joint-stock Banks. They were told that the private Banks of the country were not sufficiently stable—must always be subject to the influence of a sudden panic; but that the establishment of Joint-stock Banks would afford a remedy for all the difficulties into which the broken credit of private Banks had plunged the country. But whilst he assented to the motion of his hon. Friend, and whilst he differed, perhaps, from those who anticipated in the Joint-stock Banks a perfect panacea for all the evils by which public credit could be assailed, he would not have the House suppose that he was disposed to go into the opposite extreme, and to say, that whereas in 1826 he took the Joint-stock Banks as a remedy, in 1836 he was disposed to attack them as the disease. He looked upon the principle of Joint-stock Companies as one of the great discoveries of modern times. He regarded them, when made responsible to public opinion, as the ground on which all successful enterprise must be founded. He said, further, that if there was any one description of business to which the principle of a Joint-stock Company could be more applicable than another, it was, under due restrictions, the business of banking. He was aware, when he made that statement, that he was not combating the arguments of his hon. Friend (Mr. Clay); but he undoubtedly was combating an argument which he knew in a greater or less degree occupied the minds of many persons within the walls of that House, as well as out of doors. It might be shown that in certain instances abuses had taken place in the formation of Joint-stock Companies. But those abuses, if proved, would furnish no argument against the principle itself. The ground upon which he was ready to acquiesce in the motion of his hon. Friend was, the great extension of these banking establishments at the present moment. The House was aware that a general spirit of speculation was abroad—that Joint-stock Companies were formed for all kinds of purposes—some for purposes to which such co-operations were by no means applicable—and the House would feel that this rage for speculation would hardly fail to extend itself to the banking business as well as to others. Within the last few years, indeed, the increase of Joint-stock Banks and branches of the Bank of England had been very considerable. In proportion, then, as they allowed the application of the Joint-stock principle to sound and legitimate objects, they were bound to see that under the colour of Joint-stock Companies the country was not imposed upon by a number of bubble companies, representing no real property, and incapable of affording the smallest security. If the law, as it now stood, opened the way to such an abuse, it was time that they should seriously consider whether it might not require some amendment. With respect to the Joint-stock Banks at present established, his hon. Friend, he was sure, must know, from the return he held in his hand, that any apprehension that his speech could properly excite as to their perfect solvency, would be an utter and complete delusion. There was nothing in the present motion calculated to effect in the smallest degree the credit of any one of these companies. His hon. Friend had suggested various remedies for the evils he pointed out; he had spoken of the beneficial effect of limited liability, of paying up capital to the fullest extent, and of entire publicity of accounts. But he thought the House would see that if they were about to enter into this Committee for the purpose of inquiry, it would be the most prudent, the most cautious, and by far the wisest and most convenient course, to abstain altogether from expressing even the slightest opinion with respect to any one of the points suggested by his hon. Friend. He was not, any more than his hon. Friend, without his opinion, affirmative or negative, on all these points; he should be unworthy the duties he was called upon to discharge if he had not directed his attention to the subject; but if the House were disposed to agree to the appointment of the Committee, it must at once strike every gentleman present that any debate upon the subject at the present moment would be utterly fruitless—utterly useless to any good end—whilst by possibility it might lead to disastrous consequences; because it was impossible to go into any one of these points of detail without opening the whole question, and thus anticipate the labours of the Committee. It was on that account, and that only, that he declined altogether from entering into any discussion of any one of the details to which his hon. Friend referred. Upon principle, however, he must say, that he differed most essentially from many of the doctrines laid down by his hon. Friend, and his acquiescence in the motion must not be assumed to be an acquiescence in the reasons on which it was grounded. He must add, that he would not, at that moment, enter into any discussion on the important questions involved in the motion, as that could not be done without causing the evils he wished to avoid. With respect to the course which the Government felt it their duty to pursue upon that occasion, he begged to say one word before he sat down. His hon. Friend would not take it as intending to offer any disrespect towards him, if he took the liberty of stating, that he did not conceive this inquiry to be one that ought to be left in the hands of any private or individual Member of the House. It was an inquiry which, to be undertaken at all, ought to be placed in the hands of a responsible Government. There was much of information upon this subject, which no doubt it would be greatly for the interest of the public to obtain; but which, with that care and that observance which was due to private property and private interests, ought not to be rashly called for or lightly divulged to the public. In matters of private business there was much, which if made known at all, ought only—except upon very strong occasions indeed — to be made confidently known. Such was the course taken upon the appointment of the Committee in 1826. The right hon. Baronet, the Member for Tamworth, when he moved for the Committee of 1826, obtained for the use of that Committee, from the various banking establishments in the kingdom, all the information that was necessary to be communicated to it; but the private transactions of private bankers were not unnecessarily divulged nor made known. Therefore he thought it essential, without meaning the slightest disrespect to his hon. Friend, that the appointment of a Committee like that now moved for, and the responsibility of directing its proceedings, ought to be left in the hands of the Government. To that proposition he believed his hon. Friend would make no objection, and if that were the case he (the Chancellor of the Exchequer) should raise no opposition to the appointment of the Committee. But at the same time, he could not conclude without stating his hope that the Joint-stock Banks themselves would feel as he (the Chancellor of the Exchequer) did, that an inquiry of this kind conducted in an amicable spirit, and instituted not for the purpose of injuring these establishments, but of improving the law under which they were called into existence, could be productive only of beneficial results to all parties, and that they would, therefore, regard it without jealousy or suspicion, feeling (as they ought to do) that the best proof they could give to the world of the soundness of the system under which their affairs were conducted, the best proof they could give of their perfect solvency, of their prudence, their honour, and of their discretion, would be, not to view the inquiry with distrust or alarm, but, on the contrary, to come forward cheerfully and readily to furnish all the information that could be fairly required at their hands. With the view of bringing before the House, in this spirit, the result of the inquiry, he should think it necessary that the same discretion should be used in this instance as was used with respect to the inquiry into the Bank charter—he meant that the Committee should be a Committee of secrecy. Whilst the House had the full benefit of the results of the inquiry, it would not, he thought, be expedient that the inquiry, during its progress, should be open and public. He was led to this conclusion, not from any distrust of the result of the inquiry, still less from any distrust of the soundness or solvency of the establishments to which it related, nor from any apprehension as to the present state of public credit, but because he thought when the Legislature instituted inquiries into the transactions of individuals carrying on business according to the law of the land, they were bound to take care, whilst they sought the information they desired, that matters which might seriously affect the interests of those individuals should not lightly or needlessly be divulged. He wished to press that point particularly upon the House, because he really conceived it to be of very great importance. If the inquiry were perfectly open, it was impossible to say what injury might not be effected. Suppose on any one day of the inquiry that evidence were tendered to show that one of these Joint-stock Banks was improperly conducted, that its affairs were in a bad state, that it was insolvent—what could be so unjust as to allow a day's examination proving the case against the bank to go out to the world, unless it were accompanied with what the bank could say, on the other hand, to remove the erroneous impression that would otherwise be created. Upon this ground, then, he repeated, it was essential that the Committee should be one of secrecy. He thought he had stated enough to justify the Government in its acquiescence in this motion. He hoped, too, that his statement had been made in such a manner, as neither in or out of the House to give rise to the slightest apprehension at the course proposed to be taken. He could not agree with his hon. Friend, that the present rise of prices was wholly to be attributed to unsound and illegitimate causes; but, at the same time, he was perfectly prepared to admit, that when a general rise in the price of all commodities took place, it became the duty of all engaged in the management of money concerns to inquire whether that general rise of price took place entirely from natural and legitimate causes, or whether, with much that was natural and legitimate, there might not be mixed up causes of a totally different character. For his part, he believed that he had reason to be thankful for the present posture of affairs. He had stated as much the other night, and nothing he had since heard had induced him to alter his opinion. Indeed, he might add, that taking into consideration the future consequences of present events, it was possible that he had not told the whole truth. In a time of prosperity like the present, inquiries of this description might be entered upon with the greatest safety. If it were a time of apprehension and of alarm—if there were reason to doubt the solvency of the great bulk of these banking establishments, then he should conceive the appointment of a Committee of this kind to be most objectionable. But, believing they were now in a condition to conduct the inquiry with advantage, he was disposed to concur in it. If it had the effect of discouraging the establishment of any new banks till the law were improved, or of making those which were already established to increase their prudence and caution, it would be advantageous. It was just and right that Parliament should inquire, in order to legislate with caution on this important question. As his hon. Friend consented to place the matter in the hands of the responsible Government, he would, perhaps, to-morrow name such a Committee as would embrace all interests concerned, and develope all the facts material to be known before it. He would not have it a one-sided inquiry, to support any particular theory; but to ascertain the operation of the present law, and whether it required some amendment, and if so, what that amendment should be. He trusted that such an inquiry could have none but the happiest effects.

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* Hansard, New Series, vol. xiv p. 243.

Mr. *O'Connell* said, that if the motion had rested solely upon the speech of the hon. Gentleman who brought it forward, he certainly, for one, should have felt it his duty to have divided the House before he gave his consent to it. He did not think it had ever happened to him to hear purer principles laid down, as governing a great commercial question, or rather he should say, so many principles laid down diametrically opposite to the end in view, as he had heard that evening from the hon. Member for the Tower Hamlets. But of the course taken by the right hon. Gentleman, the Chancellor of the Exchequer, he was disposed to approve. The right hon. Gentleman had not pledged himself to any particular opinion. If he differed from the right hon. Gentleman at all, it was only upon this point—that the Committee should be a Committee of secrecy. But the right hon. Gentleman had stated one reason in favour of the secrecy, which appeared to be all-powerful with the House, and which he supposed would induce it to coincide with him; but the hon. Gentleman opposite, in the course of his long speech, had stated nothing to make out his case—had positively adduced no evidence whatever—had put forth not the shadow of an argument, to show that the inquiry for which he moved was necessary. It was true that he talked a great deal of the failure of the banks in 1795, and again in 1826; but it so happened that not one of those banks were Joint-stock Banks, and consequently their stability or instability, at any particular periods, had no reference whatever to the subject which the hon. Gentleman professed to be discussing. All the banks that stopped payment in 1795 and 1826 were private banks, and the cause of their failure was sufficiently obvious. But whilst the hon. Gentleman spoke at so much length on the failure of the English banks, he was perfectly cautious not to say anything about the banks in Scotland. In the year 1826, when the English banks were falling to the ground, in every direction, only one Scotch bank stopped payment, and that only for a short time, afterwards paying *20s.* in the pound, in discharge of all claims upon it. How did this happen? The systems of banking in the two countries were totally different. In the one country, in a moment of emergency, there was a general break-down of the banks; in the other, with the single exception he had mentioned, the banks remained firm, and upheld their credit. How was it that this circumstance had escaped the observation of the hon. Gentleman? Then, again, nothing could be more absurd than the argument put forward by the hon. Gentleman, with respect to limited responsibility. It was as much as to say, that a man who risked *10l.* in a speculation was better security than one who risked his whole property. How such a proposition could enter into the head of so intelligent a Gentleman as the hon. Member for the Tower Hamlets was to him perfectly astonishing. The point of paid-up capital he certainly thought a very fit subject for discussion; but for the reasons stated by the Chancellor of the Exchequer, he should abstain from entering upon it at that moment. There was one point upon which he thought the Committee would stand clear from any species of difficulty, and that was, as to the propriety of giving complete publicity to the accounts of these banking establishments. The public had a right to know every thing. No man should engage in a business of that description, unless he was prepared at all times to make known the amount of his assets and of his liabilities. He thought publicity perfectly necessary —it would give additional stability to those banks who were enabled to give good security, whilst, on the other hand, it would prevent the public from being deceived and defrauded by those who could give no security. He believed, that shortly there would not be a single private bank in the country. The system of banking was such as left little doubt in his mind that the whole of it would very soon be done by Joint-stock Banks. Whether in that House they could rightly be called currency doctors or not, no man could deny, that as the circulating medium had increased they had had periods of prosperity. From 1826 to 1835, the circulating medium had been exceedingly limited. Gold did not afford a sufficiently abundant or sufficiently rapid medium of circulation in a country like England. Where there were such extensive commercial and manufacturing transactions, it was necessary to have cheap instruments wherewith to work exchanges; and wherever cheap instruments could be employed without danger to the public, they ought to be resorted to. The prosperity of a great mercantile country was always found to be in proportion to the quantity of its circulating medium. It, therefore, by the establishment of Joint-stock Banks, the circulating medium of this country could be increased with safety to the public, the prosperity of all classes of the community would be infinitely increased. If such a result should follow the appointment of this Committee, it would afford him great satisfaction. He was glad to learn from the Chancellor of the Exchequer that the Committee was not to be composed exclusively of gentlemen who took any one particular view upon the subject of banking or of the currency. He trusted that they would ponder well before they suggested any alterations that might involve an extensive change in the medium of circulation—for he had seen more families ruined, more persons reduced from happiness and comfort to a state of misery and starvation, more social mischief produced in Ireland, than almost ever occurred in France at any period of the revolution, and all from a sudden change in the medium of circulation. The very reports which showed that the English labourers were better off after the change of the currency than they were before, at the same time proved that the Irish peasantry were reduced by it to an infinitely worse condition. Whatever the effect of the change in England might be, in Ireland it worked nothing but mischief. But from the establishment of the Provincial Bank in that country up to the present moment, there had been an improvement. The present year was the best that the Irish agriculturists had known for a long time past He was glad to find that there was a disposition to come to the consideration of this question without heat or rancour. He was the bet e pleased with it, because on former occasions he had observed a sort of bigotry in the House on the subject of the currency. He entirely agreed with the Chancellor of the Exchequer as to the inexpediency and impropriety of entering into any discussion on the subject at the present moment, and he hoped that he had said no more than was consistent with that view.

Mr. *Gisborne* did not intend to enter into any discussion of the general question. He did not intend to object to the appointment of the Committee, although he confessed he could not look at the proposition of the hon. Member for the Tower Hamlets without some feeling of suspicion. This feeling, however, had been greatly alleviated by the speech of the right hon. Gentleman, the Chancellor of the Exchequer. The main object he had in rising was to say, that having himself given notice of a motion having reference to this subject, as the Committee for which the hon. Member for the Tower Hamlets moved was not to be appointed that day, he (Mr. Gisborne) would consent to put off the motion of which he had given notice until that Committee was appointed, upon the understanding that his right hon. Friend, the Chancellor of the Exchequer, would then allow him to bring it forward.

Mr. *Richards* agreed with the hon. Member for the Tower Hamlets that this was a subject of the greatest magnitude, and he should have been much better pleased if the Government had come down to the House with some well-digested plan, in order to cure any evils that might be incident to Joint-stock Banks, instead of sanctioning this motion for a Committee, and he could not help suspecting that there was some understanding between the right hon. Gentleman and the hon. Member for the Tower Hamlets, as to the latter bringing forward this proposition. He regarded it substantially as a motion on the part of the Government. But he could not refrain from observing that Joint-stock Banks, in 1826, were instituted almost upon the sole recommendation of the Government of that day. In reference to the motion before the House, the hon. Gentleman had stated many grounds for granting his motion, but he had not given the House one single proof of any evil that had arisen from Joint-stock Banks. There had not been a single failure for the ten years during which they had existed. That fact of itself ought to make the House approach the subject with considerable caution. The hon. Gentleman seemed to have some dreadful apprehension haunting his mind, as to the possibility of evil. He had said, that such a state of things might arise as to make the operations of these banks dangerous. He was quite aware that a bad harvest might cause the exchanges to turn against this country, create a general alarm on the public mind, and occasion an effect upon the currency which might lead to great individual and general distress. But was that an objection to Joint-stock Banks? Unquestionably not. True it was, that there was danger attending these banks; but there was also danger arising from the use of the steam-engine; but surely that was no argument why steam-engines should not be used. He much approved of the language of caution used by the Chancellor of the Exchequer. Nothing could be more guarded, more prudent, or more statesmanlike. Still he thought the Government ought to have proposed a measure, on their own responsibility, and not to have sheltered themselves behind a Committee. There might be individual cases of misconduct on the part of these banks; but that sort of thing would correct itself. What would be thought of a motion for a Committee to inquire concerning the best mode in which merchants might generally carry on their operations? The merchants would laugh at it, and say it was a busy, meddling, impertinent interference. Now he would take the liberty of warning the right hon. Gentleman how he dealt with this subject. A mighty power had arisen, which was beneficial to the public, and which had set in motion a vast quantity of industry. A flattering statement was made by the right hon. Gentleman the other night of the state of the revenue. He could tell the right hon. Gentleman, that, in a great measure, he might thank the Joint-stock Banks for his being able to make that statement. He for one protested against the appointment of a packed Committee, with a view to obtain the sanction of this House to a preconceived set of measures, which Gentlemen might possibly contemplate. He could not conceal the suspicion he entertained, that the Bank of England—and that suspicion was by no means diminished on viewing the very near connexion that exists between the right hon. Gentleman and the hon. Member for the city of London at this very moment, the Chancellor of the Exchequer was in close conversation with Mr. Pattison, the governor of the Bank, and one of the Members for the metropolis. He did entertain a distrust lest a feeling of jealousy on the part of the Directors of the Bank of England, who, from the increased business of the Joint-stock Banks, had found their own business decline, might not have influenced the right hon. Gentleman in acceding to the motion of the hon. Member for the Tower Hamlets. He for one, believed that that hon. Member had been (to use a common expression) set on by the Government; and he viewed the appointment of this Committee with the greatest possible jealousy, believing, as he did, that it would consist of men high, no doubt, in station, but, generally speaking, not men of practical experience in commercial affairs.

Mr. *Pattison* assured the House, that the conversation which had just passed between him and the Chancellor of the Exchequer, had not any reference whatever to the subject now under consideration. He was asking the right hon. Gentleman a question which deeply interested a portion of his constituents as to what was the intention with respect to allowing a drawback of duty on paper.

Mr. *Hume* said, the speech of the hon. Member for Knaresborough, showed how difficult it was for any Minister to steer his course satisfactorily. It appeared to him his Majesty's Government had acted rightly in taking upon themselves the appointment of the Committee rather than leave it to an individual who might possibly have selected persons entertaining erroneous opinions on the subject of the currency, which might have led to most disasterous results. The Chancellor of the Exchequer would now be responsible as to the individuals composing the Committee. He did not think the hon. Member for Knaresborough had spoken in the manner he ought to have done, when he said, that this was an understanding between the Chancellor of the Exchequer and the hon. Member for the Tower Hamlets; as if the Chancellor of the Exchequer required the aid of any individual to bring forward such a motion. He, at the same time, wished to hold himself free from the opinions expressed by his hon. Friend, the Member for the Tower Hamlets. He did not believe that the Joint-stock banks had produced any surplus of paper money whatever. He was prepared to show that the increased production of this country in manufactures alone, was upwards of 10,000,000*l.*, while the increase of paper circulation was only 1,000,000*l.*; and this was effected by the present system of banking, which allowed discounts to such an extent as enabled the country, with the same quantity of circulation, to transact a great deal more business than under the old system. What he wished to see changed, or at all events inquired into, as to the present system of the currency was, the working of the clause which was inserted by Lord Althorp in the Bank Charter, which enabled country banks to pay their notes in Bank of England paper instead of gold. His wish was, that bank notes should be convertible into gold on demand. That was the best security against evil arising from over issues; and was the only check that could be applied to it. He thought he could show that it was impossible to issue too much paper money, if it were thus made convertible into gold on demand. Indeed he believed that great delusion existed in the country with regard to the effect of prices on the currency. His opinion was, that the quantity of money depended on the rise of prices; and that the rise of prices did not depend on the quantity of money. He held the prevailing doctrine to be extremely erroneous on this point. The currency doctors he knew differed from him; but there never had been a fair opportunity of demonstrating the truth of his positions. Whether the result of the labours of this Committee would do so he could not tell. Before he sat down, he begged to propose, as an addition to the motion now before the House, that the Committee should be instructed to inquire into the effect of the clause introduced into the Charter of the Bank of England, by which country bankers were held to have satisfied their engagements by paying them in Bank of England paper.

The *Chancellor of the Exchequer* thought, by adopting the proposition of his hon. Friend, they would be embarrassing the proposed inquiry with a subject which did not naturally belong to it. He was willing to inquire into the operation of Joint-stock banks. That was an important subject, and was quite enough to occupy the Select Committee. He could assure the hon. Member for Knaresborough, that he had not the slightest notion that the hon. Member for the Tower Hamlets intended to make this motion until he saw it on the order book.

Mr. *Cayley* agreed in opinion with those who thought the hon. Member for the Tower Hamlets had failed in showing any cause for this Committee. But looking at the subject in the point of view in which the Chancellor of the Exchequer had put it, he was not opposed to the motion. If the subject would bear the light, then the present state of things ought to stand; if it would not bear the light then it ought not to stand. But he protested against the notion that Joint-stock banks were at the bottom of our present position. In his opinion this Committee was brought forward with a view of tampering with the currency. He was frequently accused of a wish to tamper with the currency; no one, however, was more averse to tampering with the currency than he was; because that undermined all the engagements of society. What he desired was, to have such a well-regulated standard as would not require the frequent tampering with the currency, which the existing standard had required. Since the preparations for, and the establishment of, [the standard in 1810 they had always been tampering with the currency. They tampered in 1815, again in 1816—1817; again in 1819; again in 1822; again in 1826; again in 1829, when one pound notes were withdrawn. Again in 1833, when the legal-tender clause was introduced into the Bank Charter Act, and now the Joint-stock banks were to be regulated, or rather put under, the screw, so that they could not issue so much paper as before. All these changes; all these tamperings—had taken place with the view of propping up the unsuitable and iniquitous standard of 1819. Talk of the Joint-stock banks—talk of the signs of the times—what were they? Why simply, that more paper had lately been issued—prices were rising, in consequence—this rise in prices according to the gold standard price of 1819, must drive the gold abroad, then the paper would be reduced, and then prices must fall, and adversity be restored. The fact was, as he had often stated, that good prices were often requisite, under our heavy engagements to prosperity, and good prices were incompatible with our standard of value, with Mr. Peel's Bill of 1819. There would soon be again a struggle with the standards as there was in 1825. The symptoms might vary, but the disease would be the same; already the gold was beginning to leave the country. He agreed in much that had fallen from the hon. and learned Member for Dublin, but he totally disagreed with that part which related to the conduct of private banks in 1825. All the blame of that panic was visited on the country banks and one pound notes. They were made the victims of the ignorance of the Government, and its co-operation with the Bank of England. In 1822 the Government had stimulated a larger issue of paper, with the avowed object of restoring prosperity; the prices of 1824 and 1825, were attributable to this paper issue; but gold remaining low in price, by the Act of 1819, while all other things rose, was drained from the Bank, and the Bank drew in its circulation, and caused the fall in price, and then gold could not be had in sufficient quantity, and rapidly enough. And this it was which caused the panic, and the country banks to stop payment; though they ultimately, at least sixty out of seventy, paid twenty shillings in the pound. A victim, however, was wanting for the errors of Government and the Bank of England, and a victim was found in the country banks and the one-pound notes, and the Joint-stock banks were patronised in their place. He was much mistaken, if the present motion was not preparatory to making the Joint-stock banks the victims of the crisis, which every reflecting man was expecting. But that crisis, which would be hastened by a deficient harvest and the importation of Foreign corn, or by a Foreign loan, would be attributable not to the Joint-stock banks, which have, as yet, fully answered the intention of their creation, but to the Act of 1819, which made a rise of prices and general prosperity impracticable with the preservation of the standard. The House must choose between the standard and prosperity, but it could not have both. On this account he had always advocated an alteration of the standard. He wished to ascertain what rate of prices would give general prosperity, and then to strike the standard at that point, which would preserve those prices, without the gold leaving the country. His hon. Friend, the Member for Whitehaven, stated truly the other night, that there was one part of the present prosperity in manufactures which had a solid foundation, and one only, namely, "that which rests on the industry, the energies, the enterprise of the people of this country," which laws, the most blighting to industry, had proved insufficient to tame and subdue. The rest of the prosperity was based on an increased issue of paper, and that increased issue was unsafe and incompatible with the present standard of value, which, from the confiscation of property it had caused, and from its cramping effects on industry, had seared the best affections of the parent towards his child—had turned into a curse the bountiful gifts of Providence—and had made the late peace a tenfold greater calamity than the savagest horrors of the war which had preceded it.

Mr. *Forster* bore his testimony to the extensive information, accurate statement, and spirit of candour which pervaded the speech of the hon. Member for the Tower Hamlets. He thought, the Chancellor of the Exchequer having acceded to the appointment of this Committee, that it could not fail to do good. The best corrective of the evils, whether belonging to private or public banking, was a strict adherence to the laws now regulating our currency, namely, the maintenance of the standard, and the principle of convertibility with regard to all issues, and the prohibition of bank notes under 5*l*. By an adherence to these principles they would do more to redress any evils of the banking system than by any other course that could be pursued. He must say, understanding the obloquy that had been cast upon the Bill of 1819, that the right hon. Baronet the Member for Tamworth, had he no other claims to public gratitude, had by that measure alone raised his fame upon a certain and sure pedestal. He was persuaded that many benefits which the country now enjoyed, such as diminished pauperism, fewer cases of insolvency, and a more stable system of commerce, were to be attributed to that measure. He could not refrain from observing, that should any money crisis arrive —and it was always possible in a great commercial nation like this to happen—he foresaw that the Minister of the Crown would be subject to a pressure, arising from the present state of the banking in this country, to which no Minister had ever hitherto been subjected. It would not be confined to the arrangement between the Government and the Bank of England; but the Minister would be assailed by Joint stock banks from all parts of the country, backed by the most powerful part of the constituency of the towns in which those banks were established. Such a pressure would require great firmness on the part of the Minister to resist what he (Mr. Forster) anticipated would be their request. But he trusted the Finance Minister of this country would always have that firmness. It was reported of Mr. Huskisson, when the Bank of England asked him for advice at a moment when they were in a predicament for want of gold, that he advised them to put a notice on their doors to this effect—"Closed, waiting a supply of gold." That was just such an answer as a Minister of England ought to have given. Had Mr. Pitt given that answer in 1797, most of those evils which had arisen from the paper system, and the non-convertibility of paper into gold, would have been prevented. But Mr. Pitt was exposed to the influence of circumstances too powerful for him to control or to resist. The present Minister had no such circumstances to contend with; and he trusted that whenever he should be assailed his answer would be—"You gentlemen paper makers, if you have brought yourselves into a scrape by the undue issuing of paper money, you must trust to your own resources to extricate you from it; for I cannot give you relief." He felt so strongly on this subject that he should like to see a resolution of this House declaring that any one who should advise his Majesty to issue an order of council depriving any of his subjects of their right to recover their debts in the lawful money of the realm, was deserving of impeachment.

Mr. *Handley* could not allow this discussion to close without entering his solemn protest against this Committee as unnecessary, uncalled for, and calculated to check that return to a state of prosperity which the agricultural interest was now making. In 1825 Joint-stock banks were admitted on all hands to be the *panacea* for the evils of the country, they then received the sanction of Parliament in that belief, and he now asked whether any injury had arisen from them; or whether any proceedings had occurred which at all called for this interference, and from which he anticipated great and grievous consequences?

Mr. *Pease* thought the Committee recommended itself. It ought to be the wish of the Joint-stock banks themselves to institute this inquiry; for a prejudice had sprung up respecting them which was perfectly unfounded. A court of inquiry, constituted of impartial Members of that House, would do good by giving encouragement and a proper development of the sound principle on which Joint-stock banks were established, and of retarding everything that could throw a doubt on the responsibility and respectability of those banks.

Mr. *Hawes* hoped the suggestion of the hon. Member for Middlesex would be adopted. If there was any evil at all arising from an increase and fluctuation of the circulating medium, it was to the clause in the Bank charter alone that it was to be attributed. With reference to the state of the country he would mention one fact. He believed that there never was a time when the amount of bad debts in trade was so small; or when there was so little artificial paper in circulation as now.

Mr. *Poulett Thomson* said, his hon. Friend misapprehended the object of this Committee if he supposed it was to inquire into the fluctuating amount of the circulating medium in the country. The object of the Committee was, as it had been stated by his right hon. Friend, to inquire into the principles on which Joint-stock banks were conducted, with a view to ascertain whether it were advisable to introduce any amendment in the Act upon which those banks were established, or to interfere in any way, so far as the legislature was concerned, as well for the purpose of removing any prejudice which might exist against these banks, as to prevent any bad consequences arising from improper speculation on their part. But that had nothing to do with the other part of the subject. When his hon. Friend recollected the grounds upon which the clause in the Bank charter was inserted, he would clearly perceive that it could not form a proper subject of inquiry before the proposed Committee. That privilege was accorded to the Bank of England simply on the ground that it was advisable to enable bankers in the country to pay their liabilities in the paper of the Bank of England, in order to do—what? In order to avoid that drain upon the Bank of England which in a moment of temporary crisis might withdraw a great deal of gold from its coffers, as was found to be the case in the year 1825-6; which gold went out of the country, and, of course, greatly diminished the resources of the Bank of England, and impaired the security to the public for the payment of the notes of that establishment. Therefore he should say, supposing it was advisable to make an inquiry at any time as to the effect of that clause, they had no grounds now for such inquiry, because the circumstances under which the advantages or disadvantages of that privilege could be tested had not arisen. But he should object to the introduction of the question now, as being entirely inconsistent with the object of the formation of this Committee.

Mr. *Warburton* said, that a question had been raised as to whether or not the establishment of Joint-stock Banks had raised the prices, and it had also been insinuated that the change of the currency had had an effect on the prices. On that account he considered the amendment should be adopted. It was not to be an inquiry whether or not Joint-stock Banks had sufficient means to meet their responsibilities, it was to inquire into the increase of the currency; and that could not be done without inquiry into the effect from the increase of the currency from other causes. With regard to the inquiry being secret, as they could not be considered private accounts that were to be gone into, but the effects of a system on the money of the country, he thought that a Select Committee would be sufficient.

Mr. *Forbes* opposed the amendment. He did not approve of the original motion, but he considered the amendment far more objectionable.

Mr. *Matthias Attwood* objected to the appointment of the Committee, on the grounds brought forward by the hon. Member for the Tower Hamlets, in support of it. He had experienced some difficulty in ascertaining the intentions of hon. Gentlemen who supported the motion. He could not learn what evils they were desirous to remedy, nor what benefit the country was to expect from the proposed measure. The right hon. Gentleman, the Chancellor of the Exchequer, said that the whole system of Joint-stock Banks was a great experiment—that the experiment had now been tried for ten years; and that we now ought to inquire into the manner in which that experiment had worked, in order to discover whether the system was acting beneficially for the country, or whether there were dangers in its mode of operation to be guarded against,—and whether, lastly, there were any means which could be adopted to bring its advantages more prominently into action. But those grounds led to an inquiry of a far more extensive nature than that proposed by the right hon. Gentleman—an inquiry into the whole of the financial and monied system of the country. Joint-stock Banks were introduced as an invention to guard the country against dangers of precisely that description which almost every Gentleman who had spoken, now apprehended from the very action of these Joint-stock Banks. These Banks were the creation of the Legislature. They were an invention to guard against a panic, and any dreadful convulsion which it was apprehended might otherwise occasionally take place in our monetary system. If any such apprehension now exist, was not that a strong ground for inquiring into the whole question of our monetary system, and not merely into the nature of Joint-stock Banks? The hon. and learned Member for Dublin had spoken of the effect of this great experiment upon the interests of Ireland, and of the prosperity consequent on the establishment of Joint-stock Banks in that country. The hon. and learned Gentleman appeared, while thus describing the state of Ireland, entirely to lose sight of the landed interest in that country. Had it not been proved that the distress of the agricultural interest had been entirely the result of the great experiment —whether the country could rest with security, not merely with 20,000,000*l.* of circulation,—not merely with 55,000,000*l.*, being the entire amount of circulation in Great Britain and Ireland, but with 800,000,000*l.* of debt — founded on 8,000,000*l.* of gold and silver, coined and uncoined in the Bank of England? He was willing to believe that there was considerable prosperity in many branches of our trade; but it had been shown that one-third of all the commercial transactions of the country rest upon Joint-stock endorsements. Now, the great national establishment—the Bank of England—had rejected much of the paper of those Banks. On what ground? Because it believed the paper to be insecure. If so, must not much of the prosperity connected with such paper be insecure also?—must not commercial transactions, so supported, rest upon a foundation which could not be permanent? The hon. Member for the Tower Hamlets said that the prosperity was real, and not artificial, because our manufactured goods were sold off,—no stock was left on hand,—and the orders were abundant. It was this very circumstance which distinguished the transactions of the year 1825. That was, word for word, the description given in the reported evidence of the state of our manufactures immediately preceding the panic of 1825 and 1826. The hon. Member for Walsall had praised the Act of 1819, which was recommended on the ground that it would give a firm security to the monetary system and commercial operations of the country. But had that been the result? Instead of giving permanency to the monetary system, soon after that Bill had passed, the Minister of that day found it necessary to give additional powers to the Bank of England in respect to its issues. The hon. Member for the Tower Hamlets had proposed three amendments in the present system of management of Joint-stock Banks. First, limited liability; second, the capital to be paid up; and third, publicity. Now, as to limited liability. That was a matter resting entirely with the Bank of England; for the Bank of England had bought the power of establishing this limited liability, and without its consent no Joint-stock Bank upon such a principle could exist in England. With respect to paid-up capital, had these Banks been originally confined to a paid-up capital, it would have been a prudent measure; but now that they were in their heyday, if they were made to pay up their capital they would be exposed to very great danger, that would not only seriously affect the new ones, but would weaken the stability of the old. It must be obvious that the House could not adopt this part of the hon. Member's plan, without involving the country in great and serious danger, and hastening the catastrophe which was so much apprehended. Then, as to publicity. Publicity was the great instrument recommended by the Bullion Committee, and was brought into action in 1832. The establishment of publicity was to lay the foundation of the commercial credit of the Bank of England. He took it for granted that every Gentleman who was accustomed to trade, was convinced that that instrument had failed altogether, and had been found to be inapplicable to banking affairs. There were in banking affairs periods of commercial convulsions, against which no bank could guard; and during which the credit of the bank did not rest alone on the amount of bullion in its coffers, but upon its character for prudence and discretion. It was as much for its moral qualities that confidence was reposed in any bank, at such a time, as for the amount of its bullion. Upon the whole, he saw no benefit to be derived from this Committee, nor had he heard sufficient grounds for its appointment. At the same time he saw no serious objection to it, if its inquiries were conducted with caution.

Mr. *Clay*, in reply, begged it to be distinctly understood, that so far from being hostile to Joint-stock Banks, he was a decided friend to them, thinking them capable of conferring the greatest benefits on the country. He could not agree to the proposition of the hon. Member for Middlesex.

The motion for the appointment of the Committee was agreed to.

Mr. Hume then moved, "That it be an Instruction to the Committee that they do inquire into the operation of the privileges conferred on Country and Joint-stock Banks to pay their Promissory Notes in Bank of England Notes, instead of paying them in gold."

The House divided: Ayes 12, Noes 98: Majority 86.

List of the AYES.

Aglionby, H. A.
Crawford, W. S.
Ewart, W.
Marsland, H.
Morrison, J.
Potter, R.
Thompson, Colonel
Villiers, C. P.
Warburton, H.
Wason, R.
Williams, W.
Williams, W. A.

TELLERS.

Mr. Hume
Mr. Hawes

List of the NOES.

Adam, Sir C.
Alston, R.
Astley, Sir J.
Bailey, J.
Baldwin, Dr.
Balfour, T.
Barnard, E. G.
Barry, G. S.
Beauclerk, Major
Benett, J.
Bernal, R.
Bewes, T.
Blamire, W.
Bonham, R. F.
Bowring, Dr.
Brotherton, J.
Buckingham, J. S.
Buller, E.
Chapman, A.
Chichester, A.
Childers, J. W.
Clay, W.
Collier, J.
Crawford, W.
Crawley, S.
Crompton, S.
Curteis, H. B.
Curteis, E. B.
Ebrington, Lord Vis.
Estcourt, T.
Fazakerley, J. N.
Felden, W.
Finch, G.
Forbes, W.
Foster, C. S.
Fremantle, Sir T.
French, F.
Gillon, W. D.
Gisbourne, T.
Goulburn, rt. hon. H.
Goulburn, Mr. Serg.
Green, T.
Grote, G.
Handley, H.
Hardy, J.
Hastie, A.
Hector, C. J.
Hindley, C.
Hobhouse, rt.hn.Sir J.
Horsman, E.
Howard, hon. E.
Howard, P. H.
Howick, Lord Vis.
Inglis, Sir R. H.
Johnston, A.
Jones, W.
Knight, H. G.
Lushington, C.
Maher, J.
Marsland, T.
Martin, J.
Murray, rt. hon. J. A.
Musgrave, Sir R.
North, F.
Packe, C. W.
Parker, J.
Parrott, J.
Parry, Sir L. P. J.
Pattison, J.
Pease, J.
Philips, M.
Plumptre, J. P.
Price, Sir R.
Pryme, G.
Rae, rt. hon. Sir W.
Rice, right hon. T. S.
Richards, J.
Rushbrooke, Colonel
Russell, Lord J.
Scott, Sir E. D.
Scourfield, W. H.
Seale, Colonel
Strickland, Sir G.
Stuart, V.
Tennent, J. E.
Thomson, rt. hn. C.P.
Thompson, Mr. Ald.
Turner, W.
Vernon, G. H.
Wemyss, Captain
Weyland, Major
White, S.
Wilbraham, G.
Wilson, H.
Wrightson, W. B.
Wynn, rt. hon. C. W.
Yorke, E. T.
Young, G. F.

TELLERS.

E. J. Stanley
Mr. M. O'Ferrall

COMMUTATION OF TITHES (ENGLAND.)] Lord John Russell moved the Order of the Day for going into Committee on the Commutation of Tithes (England) Bill.

Mr. Edward Buller proposed several amendments in Clause 34.

Lord *John Russell* opposed the amendments, as tending to disturb the agreement entered into, which was this, that where the average amount of tithe received for the last seven years was from 60*l.* to 75*l.* inclusive, all such cases should remain undisturbed by this Bill; where it was from 80*l.* to 90*l.* it should be reduced to 75*l.*; and where it was under 60*l.* it might be raised, if it should appear to the Commissioners that it was fit to do so. He did not understand upon what principle the hon. Member proposed his amendment. It was not the principle of this Bill which took the gross, and not the net amount.

Mr. *Edward Buller* proposed a reduction of 10*l.* per cent., where the full value of the tithe had been received for the last seven years. His proposition amounted to this:—If the tithe-payers were not satisfied with the average of the last seven years, they would be at liberty to demand a new valuation of the gross tithe. If upon the average it was found to amount to any sum from 90*l.* to 100*l.*, then from such amount a deduction of 10*l.* per cent. should be made. Where the amount was between 75*l.* and 80*l.* he would make no reduction, and if it was under 75*l.* he would raise it to 75*l.* The effect of his proposal would be, to allow all proprietors of tithes throughout the country to retain the advantages they at present possessed, at the same time that it would allow of the raising to the 75*l.* per cent. such tithes as were now, from the expenses of collection, below that rate. If the noble Lord proposed to take off 25 per cent. from the gross amount in certain cases, why might not 10*l.* per cent. be deducted from the net amount in the others?

Lord *John Russell* thought, now that he understood the proposition of the hon. Gentleman, that it was not founded on the same principle of justice as his own. He could not see the ground for acceding to a proposition which might practically have the effect of giving a tithe-owner in one case 80 per cent, and another tithe-owner in another 35 per cent. only, thus leaving a difference of 45 per cent. He thought that a proposition which established one equalised rate to apply to all cases was a more just one, and one which must have a more beneficial effect than a plan liable in operation to such inequalities.

Mr. *Benett* said, there was no question that the gross demand of the tithe-owner was for 100 per cent; the difference lay in the expenses of collection. That was the argument for commutation, because by commutation all that expense of collection, now lost to both parties, were saved.

Sir *Robert Inglis* said, that, although his objections to the system of commutation were as strong as ever, he would have an opportunity, on another occasion, of addressing himself to the general principle of the measure. The question now in dispute was the amount to be given to the tithe-owner under the proposed commutation. It had been said, that the principle proposed to be acted upon would have the effect of raising the value of some tithes, and of depressing that of others. Now, he could not see why a principle which should have the effect of depressing should be admitted at all. He thought, that where, on an average of the seven preceding years, the tithe-owner had received the whole of his right, that right ought to be preserved to him under the measure of commutation.

Mr. *Blamire* said, he must object both to the proposition of the noble Lord, and that of the hon. Member for Staffordshire, inasmuch as he did not think either the one or the other would place all parties concerned in that position in which they ought to stand in reference to each other. He was perfectly satisfied that no rule could be laid down which would entirely meet all cases. He would with great submission beg to state to the House and to the noble Lord how he thought the difficulty might be remedied. He was aware, that the subject was a very difficult one to deal with, especially the compulsory part of the arrangement. The House ought to bear in mind, that if it were not possible to do what they wished and what was desirable, it was their duty to steer clear of doing a positive injustice to anybody. He begged to say, that he thought it would be an infinitely better plan in every case to ascertain the expense of the collection of tithe in that particular place, and fix the deduction according to that standard, and at no more. He had always considered, that tithes were but a contingent, and not a positive property; for the landowner had it always in his power to fence with the tithe-owner, and make an advantageous bargain with him, unless the tithe-owner's demands were according to his estimation of the matter, reasonable and moderate. Cases were constantly occurring where the tithes of the tithe-owner were evaded by the land-owner, and where he was fenced with by the land-owner, and obliged to put up with a bargain very advantageous to the latter. In his part of the country the mode was this; for he could say for himself, as well as for those he had the honour of representing, that while they did not wish to give the clergyman one farthing less than he ought in justice to receive, they were not desirous of paying him more. In his particular part of the country, then, the state of the case was this: the lands were greatly subdivided, and there was a great variety of tenure and admixture of titheable and tithe-free lands. The consequence was, that before a man agreed to take a farm, he endeavoured to ascertain from the tithe-owner what was the amount of his demand for the titheable land proposed to be rented, and then tried to make the best bargain he could with him. If the bargain were altogether dissatisfactory to the farmer, the probabilities were, that he either did not take the farm at all, or if he did take it, that he grew tithe crops, as much as he could on the land which was tithe free, and upon that part of the farm which was titheable, he took care to grow only untitheable crops. Thus, if the demand of the tithe-owner were excessive, the result might be, that he would get little or nothing. It was also the practice of making a bargain for the tithe before the farmer ventured upon renting such farms as would require a large outlay of capital, and the use of much adventitious manure, and tithe was evaded by turning lands down to grass, or, of occasionally planting lands that had paid tithe. Various other schemes were had recourse to, and in some extreme cases the proprietor for a time, totally abandoned all interest in the property. What he said, might not meet the views of many Gentlemen, but he felt so strongly that tithe was a contingent property and not a positive one, that he thought they had a right to demand from the tithe-owner some consideration—he was not prepared to say how much—for the boon which would be conferred upon him by changing the nature of his property into a positive, and not, as now, into a contingent property. In reference to the lay impropriator, he thought there would be no great difficulty in calling upon him to give some moderate consideration for the advantage which he would derive from the change. His was a marketable estate, and would be greatly benefitted by the change, though this observation did not apply to the great body of the owners of tithe, the clergy. He thought it would be a great improvement in their case, if the onus or responsibility of the collection of their tithe rested with the parish. It was a plan adopted in many parishes, and a very beneficial one, to collect the tithes for the clergyman and pay them over to him, and for this service the House would fairly be entitled to call upon him for a certain deduction. He was not prepared to point out what that amount should be, but it was a very fair principle, that some consideration should be allowed by the clergyman to the parties who effected for him an improved mode of collecting his revenue and improved security. He thought it would be better, instead of having recourse to either the plan proposed by the noble Lord or the Member for Staffordshire, at once to give a large discretionary power to the Commissioners in the compulsory part of the arrangement. In the plan of the noble Lord there was an appeal from the decision of the valuer; but he could not regard that appeal as being of the slightest value, for it was merely an appeal from the valuer to the Commissioners; in fact, an appeal to the individual valuer himself. It was not very reasonable to expect, that after a Commissioner had given a decided opinion as to the value of certain tithes, that he would be willing to depart from his statement. He did conceive, that not in one out of 100 cases would there be obtained by any such appeal the slightest alteration in the original award. In many of the local Bills for the commutation of tithe, which had passed, and indeed in some of the Bills which had been laid upon the Table of the House, among others in that of the right hon. Member for Tamworth, it had been proposed, that there should be an appeal to the Quarter Sessions of the county; but he could not but look upon this as a very objectionable proposition. He should conceive, that an infinitely better and wiser plan would be, to constitute local boards for the express purpose of hearing and determining upon all these matters. He should therefore propose, that those boards should be thus constituted: that the Commissioners should appoint as assistant commissioners two barristers of a certain standing, and two practical men from among farmers and surveyors, who should not have any direct interest in the settlement of the question; that this court should go from place to place where the matters in question were to be settled, and have power to hear evidence in proof of the facts; and that, having done so, they should make their report to the Commissioners, who should have power to enforce their determinations, subject to certain prescribed limits as to the extent of the reduction or increase. If this were not thought a sufficient check, it might be further provided, that in the schedule they should be compelled to assign their reasons for any deviation they might make from the regular plan. He was aware, that perhaps some objection might be made to his proposition on the supposed score of expense; but his opinion was, that the establishment of local boards, such as he had suggested, would not be productive of much expense. At all events, he thought it would be a more satisfactory plan to the country generally than the one proposed. He might observe here, that a most erroneous notion had gone abroad as to the nature of this Bill. In a great many parts of the country the people said they were satisfied with the Bill as it stood, because they thought that by it one-fourth of the clear value of tithe was to be taken from the tithe-owners and given to them—a most lamentable misconception. He should be very glad, if possible, to avoid compulsion, but he feared, that in the present state of the case it might be found difficult, if possible, to avoid it. He thought it would be better, that no commutation should take place at all, than that the Bill should pass as it stood; but at the same time he fully saw the necessity that some Bill should be passed on the subject, or else he feared the country would be placed in a state of the greatest excitement, productive of the most mischievous results. He therefore hoped the noble Lord would take into consideration the suggestion he had ventured to throw out.

Mr. Edward Buller withdrew his Amendment.

Mr. *Charles Buller* remarked, that a great portion of the House seemed to object to the clause, and yet the opposition to it did not appear to be seriously maintained. The hon. Member was proceeding to move an Amendment, which he explained, when

Lord *John Russell* suggested, that this was not the proper time for entering on the question involved in it.

Mr. *Goulburn* wished to ask the noble Lord opposite, upon what grounds the limits of seventy-five and sixty per cent had been assumed. He quite understood the difficulties with which the noble Lord had had to contend; but the more he heard on the subject, the more was he convinced, that a system of compulsory commutation must be in individual cases attended with great injustice. The noble Lord had, in effect, admitted this, because, having adopted the compulsory principle, he now found it necessary to introduce a clause, in order to correct some part of the evils to which a compulsory system must inevitably lead. The noble Lord made a proposition which appeared to him scarcely reconcileable with justice upon the information he had received; though perhaps the noble Lord was in possession of facts which would enable him to prove the fitness and expediency of the limits the noble Lord had assigned. It was consistent with his knowledge, that there was frequently great inequality in the cost of collecting tithes, even in the same parish. The collection of the small tithes was often much more difficult than that of the large tithes, and although it might be right, that in the case of the small tithes an individual should receive only sixty per cent, in consideration of the difficulty with which they were collected, yet seventy-five per cent might be too little in the case of large tithes, which were collected with much facility. He knew instances where the collection of the large tithes was effected at an expense of seven, eight, ten, and thirteen per cent of deduction from the value of the sum, and therefore he thought it would be desirable that the noble Lord should state to the House the basis upon which he had been induced to adopt the maximum and minimum proposed.

Sir *John Wrottesley*, after having made inquiries in several parts of the country, and particularly in his own county, was bound to say, that the maximum and minimum proposed, though in some few cases they might impose hardship, were on the whole considering the difficulties and facilities of levying tithes in different places, suitable to the circumstances. Fixing limits in the way proposed would save time and trouble and prevent much litigation; he therefore, thought that this part of the Bill was highly desirable.

Lord *John Russell* said, that when the right hon. Gentleman asked him to explain on what principle he had appointed the limits to the deduction, he supposed the right hon. Gentleman did not mean to ask why he made it seventy-five rather than seventy-six or seventy-seven, and sixty, rather than sixty-one, but why he had taken those limits as a fair average between the lowest and highest amount of tithes collected. It appeared to him fair, as he had repeatedly stated, in making any general commutation of tithes, to look not to particular cases, but as nearly as possible to the general average of the country, so as to include the greatest number of cases. With respect to the Amendment which had been proposed by the hon. Member for Staffordshire he would admit that there might be cases where the tithe might be collected at 10 per cent., but such cases were very rare, and therefore, not to be taken into account in a question of legislation. There were also cases where the expenses amount to 50 per cent., but these being almost equally rare he had not allowed them to interfere with the adjustment of the measure. It might be asked, why not make some one and fixed sum the standard; and, indeed, a most intelligent and respectable gentleman. Mr. Jacob, when examined before the agricultural committee, selected seventy-five per cent., as the general average all over the country, but that exact limit would not give a sufficient representation of the real value of tithe, because the charge of collection and many other circumstances differed widely in different parts of the country. There were cases in which tithe was collected at a cost of not more than ten per cent, and this was true, not only of large, but in some cases of small tithes. All the accounts he had received tended to show that on further inquiry into these cases, if the first amount of the produce were taken into account, the deduction would not fall short of twenty or twenty-five per cent. He thought, also, that in any general commutation, a considerable deduction should be made from the gross sum of 100*l.* (taking that sum) on the value of the tithe. Nobody had ever advocated a commutation without maintaining that there should be a large deduction; and in estimating this, not only the expense of collection, but many other circumstances, should be taken into account. The higher limit having been fixed at seventy-five per cent., all contained between that standard and sixty he presumed to be compounded for by the different parties interested, who would consider all the circumstances of the case, the cost of collection, and the agreement entered into, which he held it to be advisable not to disturb. With regard to the other limit of sixty per cent, although there might be cases where the expense of collecting would lower the net amount below that sum, he did not think them of sufficient force to induce him to admit of so total a disparity, as respected the tithe-owner and the tithe-payer. Besides, it was but fair where, through the lenity of the tithe-owner the sum collected had fallen too short of the real value of the past tithe — to provide, in such instances, that leniency should not operate as future punishment. His doubt upon this point was not whether the sum should be 50*l.* or 60*l.*, but rather whether he should fix it as low as 60*l.* However, on consideration, the best he could give the subject, he found that by adhering to 60*l.* he should provide a fairer average and a nearer equalization. He thought the mode he had adopted would tend to obviate the evil consequences which too frequently resulted from composition in Ireland, where the differences were so great that neighbouring parishes, when they came to compare the different amounts paid, might feel great dissatisfaction. He had, therefore, chosen those limits between which there was only a difference of fifteen per cent, as being likely to afford more general satisfaction, or at least to occasion less complaint than if the difference were doubled, by fixing the *minimum* at 50*l.* and the *maximum* at 80*l.*

Mr. *William Miles* moved an amendment of which he said that the object was to give power to the Commissioners or Assistant-Commissioners, when the average sum paid, or agreed to be paid, should be more than 50*l.*, and less than 75*l.*, for every 100*l.* of such average gross value of the tithes taken in kind, to award such fair and equitable sum for the permanent commutation thereof as upon inquiry they should deem expedient, due regard being paid to the peculiar nature of the tithe in individual parishes. He, therefore, moved as an amendment that the word "fifty" be substituted in the clause for "sixty." If that were carried he should move, that all the words in line fifteen after the word "limit," be omitted, and that there be inserted in their stead a proviso accomplishing the object for which he proposed his first amendment.

Mr. *Charles Buller* said, it was inconsistent in the hon. Member for East Somerset to tolerate this clause, after arguing against its principle. He was altogether opposed to the clause, because he looked upon it not as a modification of the 33rd clause, but, as wholly subversive of it. To take an average of the gross produce with certain deductions would be to perpetrate a gross injustice on the tithe-payer and the landowner. The noble Lord's fundamental error was, in not regarding the power of evasion as well as the right of tithe; for throughout the country the right of tithe had been modified, owing to the peculiar method of collection; and from that modification the power of evasion had been derived. The right of evasion was to be as much respected as the right of tithe itself, and was as old as the right of tithe. If it were found out that tithe could be collected with certain exceptions occurring in five or six years, he would not hesitate to do away with those exceptions, and to enforce the collection to the whole amount of the tithe; but when they considered the length of time that the rights of evasion had existed, indeed that, from time immemorial the right of tithe had been modified, and that that modification had been solemnly recognized by the Legislature and by the courts of law —it would be unjust to suspend it. It would be doing injustice to the tithe-owner to take from him more than was to be given up to him; but it would be equally unjust to make the tithe-payer pay more than he ought. The attention of the House had not been sufficiently directed to the expenses of collection, and the variety of the amounts collected in different parts of the country. In Wiltshire and Hampshire, the effect of this Bill would be to deprive the tithe-owner of about one-sixth or one-fourth of the value of the tithe. In the western parts of England, however, the reduction of twenty per cent. would be nothing like a sufficient reduction. The experiment of levying tithe in kind had been tried in various cases, and instances were not rare, in which the clergyman had not merely lost fifty or sixty per cent., but had actually been out of pocket by the time he had got in his tithe. He wanted to show the House how this system of modification had operated, and that it had been respected by courts of law and the Legislature. A case in point was tried in the Court of King's Bench before Lord Tenterden. It was an action against the tithe-owner for not carrying away his tithes of early potatoes grown for the London market. The potatoes were put out in baskets which held about three-quarters of a bushel each, and it was proved that the produce was spoiled by exposure to wind, rain, and sun, if not taken away in half an hour. Lord Tenterden held, that although the practice might put the tithe-owner to great inconvenience and expense, yet for the sake of the crops, the evil must be submitted to, and the tithe-owner must be in attendance to take away the tithe, though it might cost ten times the value of the tithes to collect them under such circumstances, and the produce might be spoiled in getting it into his possession; and not only that, but if he would not go to the trouble and expense of removing the tithes, he would be liable to an action for it. Here, then, was a reduction, not of sixty per cent., but of the whole tithe. Look at the tithes of hay, eggs, milk, apples, &c.; suppose them to be levied in kind in a parish full of small farmers, and fancy a cart going about to collect every tenth haycock, every tenth egg, every tenth day's milking, and every tenth apple, why the collector would not be able merely to go over some parishes in less than two days. This was the case of the parish which he represented, as he could testify from canvassing it. He had the authority of a practical collector of tithes in Wiltshire, for saying that there, on the other hand, the expense of collection was about ten per cent.; this Bill would make it twenty-five per cent; so that the operation of this commutation would deprive the tithe-owner of about one-sixth of his income. It is not difficult to put ground under a different culture for the sake of evasion, and arable was often converted into pasture land, not merely to spite the parson, but because the difference of the tithe really made, very often, the difference between the profit derived from the two different kinds of produce. But this power existed to a different degree in different parts of the country. In Wiltshire, nature seemed to have so fixed to each portion of land its peculiar mode of cultivation in tillage or in pasture, that this power of conversion hardly existed at all; in Devonshire and Cornwall, the conversion was perfectly easy in almost all cases, and was often effected merely to save the tithe. This power of conversion made an immense difference in the value of tithes. Yet for all these ancient and established remedies against the exaction of the extreme tithe, no allowance was made by this Bill. The farmers in the West of England had expected that a liberal Ministry would lessen the intolerable burden of tithes. The effect of this Bill would be, to raise the tithe throughout the West of England. He would give the House an instance of the practical operation of this Bill, in a parish adjoining that of Liskeard. The tithe collected in that parish had, for some years, amounted to *3s. 3d.* in the pound. On the induction of a new clergyman, the farmers demanded an abatement of *3d.*, the effect of which was, that the parson said he would collect his own tithes; and the consequence was, that the leading farmer having a large barn near the church, fitted it up for public service; for the farmers, as is usual in such cases, all determined that they would not go to church; and they stuck to their determination. The proprietor of the barn engaged a Dissenting minister in the neighbourhood to come over every Sunday to preach and to read the service of the Church of England. They told him he was not to give them any of his Methodistical stuff, and was never to preach longer than ten minutes, and was to be paid for his services by four or five tumblers of brandy and water. The clergyman's service in the church was attended by the clerk and the sexton; and sometimes by an old woman from the workhouse. The effect in a pecuniary point of view was this, the clergyman got rather less of his great tithe than he would have got under the composition offered to him; and he soon gave up trying to collect his small tithes at all. He was beaten, and obliged to accept the farmers' terms. The operation of the Bill would raise tithe in this parish from *3s.* to *3s. 7d.*, and settle this dispute about

3*d.*, by making the farmers pay 7*d.* The average of tithe in the east of Cornwall varied from 2*s.* 6*d.* to 3*s.* 6*d.* per pound; but the general average was about 3*s.*, or 3*s.* 3*d.*; so that the noble Lord's Bill would generally raise tithe in that county from ten to as much as thirty per cent.; and this was intended as a measure of relief! He knew the difficulty of meeting extreme cases, but when the House was likely to doom men to the destruction of their property, and consign their families to destitution, by overlooking these cases, it was right to attend to them. He was convinced of the necessity of a compulsory commutation; he was convinced that a Bill for that purpose was demanded by the country; but a compulsory commutation ought to be a fair and just one. This Bill, however, was unjust, and it would be better not to pass it until a just system of commutation was adopted.

Viscount *Ebrington* would support the amendment. The county he represented was divided into small farms, and contained a greater proportion of landlords than many other counties. He was quite sure that the effect of this clause, as proposed by his noble Friend, would seriously raise the value of tithe in that county. He had always been disposed to give to the tithe-owners their due, and was always ready to raise his voice against making those who had to pay, pay more than they ought; he should never subscribe to any plan of commutation that should give more to the tithe-owners than they at present enjoyed, or more than under the present mode of collection they could expect to receive. It might be argued, perhaps, by the hon. Member for the University for Oxford, that it would be hard on the tithe-owners to make them suffer for the leniency they had exercised; but their forbearance was not always voluntary. He must say, that he had known instances of experiments in collecting tithes in kind, in which so far from 50 per cent of the gross value being received by the tithe-owners, they had not realized so much as 20 per cent., and those cases were not confined to his own county. For proof of it he might refer to the evidence already quoted. Mr. James was asked — "You think, then, that the clergy have not got more than half their tithes?" His answer was—"No doubt, for the last seven years, they did not average one-half of their tithes." Under these circumstances, feeling in common, with his noble Friend, anxious to establish compulsory commutation, and to disturb, as little as possible, the existing scale of payments, he could not vote for the clause, the effect of which would be to increase the greater part of the existing commutations, and make the tithe-payer pay more than at present.

Viscount *Howick* would abstain from replying to the remarks which had been made by hon. Members against this Bill, not because they were unanswerable, but because he thought this was not a favourable opportunity to go into the subject. It appeared to him, as far as there was any real ground for opposition to this measure, the clause to be introduced by his noble Friend, and which he had caused to be printed, and had announced his intention of moving, would obviate it. All those inconveniences on which hon Members, who had preceded him had dwelt, had been anticipated by his noble Friend, who rested his proposition upon the fact, that the expenses of collection, in a great number of instances, amounted to 50 per cent on the gross produce. His noble Friend behind him (Lord Ebrington) had said, that he was willing to give the clergyman that to which he was entitled, but without burthening the land with a permanent charge beyond that which the clergyman now received. That was a principle which the whole House was prepared to admit, and he was sure if his noble Friend looked into the clause as it was printed, he would see that wherever there was a case in which, owing to the particular nature of the tithe, the expenses of collection were heavier than the amount provided for originally, there was a power given to make such modification as the justice of the case required. Whenever the expenses of collection exceeded 40*l.*, and in other special cases, the assistant Commissioners would have the power of making that large reduction of the gross amount which might be due. He thought, then, that all just ground of complaint would be removed by the plan of modification so proposed. But if he was not mistaken, the hon. Member for Somersetshire moved this amendment on rather different grounds; he stated, if he understood him right, that it was not enough that his noble Friend had proposed a mode for providing for cases in which there might be ground for believing that the amount of expense of collection would go beyond 40 per cent.; but the main argument of the hon. Member, as he understood it was, that the assistant Commissioners ought to have a discretionary power in all cases of fixing a permanent rent-charge when the amount should be between 60 and 75 per cent. The hon. Member did not complain of the minimum which was proposed by his noble Friend, but because the plan of modification in the Bill was identical with that of the hon. Member; his object was, that in those cases in which the amount of composition might fall between 75 and 60 per cent on the gross value, the Commissioner ought to be empowered to vary the rent-charge as compared with the produce. If the question were reduced to that issue, he confessed that he thought the Bill stood considerably better as his noble Friend proposed it. He thought whenever it was possible to adhere to those compositions to which the parties had mutually agreed it was extremely desirable to do so, and that only to depart from them in cases where the amount exceeded that which ought to be permanently paid. With regard to what fell from the hon. Member for Liskeard, he thought the hon. Member had not stated one case that could occur in which such modification ought to take place. His noble Friend, the Member for Devonshire, said existing commutations ought not to be disturbed, and, therefore, he claimed the vote of the hon. Member against the amendment of the hon. Member for Somersetshire, for he had distinctly admitted that his object was not to alter the minimum as proposed by his noble Friend, but to give the Commissioners a discretionary power of varying the amount of composition even in those cases which fell between 75 and 60 per cent. He really did not think that adequate grounds had been shewn for adopting the amendment of the hon. Gentleman, and the House, in his opinion, would be acting more wisely in rejecting it. The hon. Member for Liskeard said, that clergymen in many instances had only realised a much smaller sum than 50 per cent upon the gross value, he was aware of that; but the truth was, the legislature had not to consider so much that which the clergyman had actually realized as the average amount which the land-owner was compelled to pay. He did not think it was at all just toward the tithe-owner, who was giving up much, to expect that he should be guided by what the land-owners said on the subject. He was aware how impossible it was in a numerous assembly like that, to discuss the minute points of such a question; but he could not forbear before he sat down, from reminding the House how exceedingly necessary it was, in a case of this sort, not to deal with extreme severity towards the tithe-owners; for, as the Bill now stood, they were making a very considerable sacrifice; and if by acting with severity, the Bill should fail after the subject had been agitated, the consequences would be of the most serious description to the land-owners of the country. They must remember, that not many nights ago, the hon. Member for Kent shewed how necessary some measure was, for he actually gave notice, in case this Bill did not pass, that he would move for leave to bring in a Bill to restrain the tithe-owners for one year from enforcing the collection of tithes. An hon. Member conceiving it necessary to give notice of this kind, was a circumstance which he thought this House ought not to forget. It seemed to him now, that the question had been agitated to render it necessary to pass this measure into a law.

Mr. *Childers* said, the noble Lord who had just sat down, had stated a principle of a different nature from any he had heard. The noble Lord said, that they were not to take what was now paid as the basis of a rent-charge, but that they were to take into consideration the sum lost, or which might be lost, on the part of the tithe-payer or tithe-owner, and to divide it between them. Now, that was a principle which he thought had been repudiated throughout the whole of this Bill. The noble Lord did not allude at all to another and a very important point, which was contained in the observations of the noble Lord, the Member for Devonshire, and which that noble Lord stated upon the testimony of Mr. James—namely, that not only when the tithe was taken as a dividend, but in composition, the clergyman had not received one-half what he was entitled to. That witness stated, that he had no doubt on his mind that the majority of compositions entered into during the last seven years did not average one-half the value of the tithe. He then went on to say, that on certain arable land the tithe is 13*s*. 6*d*., but that it is compounded for 6*s*. or 7*s*., and that on an average, it was less than one-half. Supposing that to be the case, it was quite clear that the clergy did not receive more than 400*l*. or 500*l*. out of every 1,000*l*. Then if the House did what the noble Lord said, divide the sum lost on the gross value between the tithe-payer and receiver, it would leave the tithe-payer in a worse condition than at present and instead of his paying 400*l.* oblige him to pay 600*l.* That was the state of the case as he viewed it, and to that he should always be opposed.

Viscount *Howick* wished to explain. The hon. Member had supposed him to say, that what was now paid ought not to be taken as the basis of the future rent-charge; but, on the contrary, that we should divide between the parties what was lost or gained by the composition. That was not his statement. What he distinctly stated was this, that in all cases in which it was possible to be done, they should take the existing arrangement between the parties as the future rent-charge; but that in those particular cases in which the parties had not been able to come to an arrangement by themselves,—in those cases of dispute referred to by the hon. Members, in which the clergymen had claimed more than the tithe-payer had chosen to pay; and in those cases where the clergyman had been driven, under the circumstances, to raise the tithe in kind—in all these cases, he said, we were not to take for our basis either the small receipt of the clergyman, on the one hand, or the severe loss, perhaps of one hundred per cent., to the landlord on the other. But that in those cases only they should consider what ought to be divided between the two parties, thereby affording a gain to both, by producing an arrangement between them.

Colonel *Thompson* could not assent to the principle which, with the exception of a few words from the Secretary-at-War, if he had rightly understood them, had been assumed through the whole of this debate—that the tithe-owner was to have nothing but the barest amount of his net receipts, and that all the advantages of the proposed legislative improvement were to go to the land-owners. Suppose the tithe-owners were to set up the plea, that the land-owners ought to have nothing but their present receipts—that they ought to have none of the profit arising from removing the pressure of the present law on the cultivation of land—and that all the advantages of the commutation of tithes were to go to the tithe-owners. Would there be the smallest chance of such an arrangement being agreed to; and was not the proposed arrangement equally unjust? The truth was, that a great saving to both parties ought to arise out of the commutation of tithes; to the land-owners, that of being able to improve their cultivation without being checked by an increase of tithe; and to the tithe-owners, that of escaping the expense and uncertainty of the present mode of collection. But neither the land-owner nor the tithe-owner had a right to say he would take both these savings to himself;—there should be a division. It might not be easy to say with precision what this division should be; but one thing it was easy to see, which was, that the tithe-owner had a right to be very liberally treated, and that there was no foundation for the present principle of screwing him down to his lowest net receipts. He claimed the attention of the Members for the Universities to this, and hoped they would support him.

Mr. *Hume* had no hesitation in voting for the word fifty instead of sixty. It seemed again to have been forgotten in the discussion, that tithe-property was only contingent property, and some deduction might reasonably be made in amount for rendering it secure and certain.

Mr. *Bennett* said, that the amendment would give the Commissioners greater powers than would be given them by the clause of the noble Lords. In some cases they would be enabled to raise the composition from 61*l.* to 75*l.* To that he would never consent; and, therefore, he would oppose the amendment.

Mr. *Parrott* was also opposed to giving the Commissioners so much discretionary power.

Mr. *Blamire* would give the Commissioners all the discretionary power proposed. To place limits was, in fact, only erecting a screen, behind which they might concert injustice or partiality. It would be better to place no limits on their discretion, but make them responsible for its exercise.

The Committee divided on the original clause—Ayes 95; Noes 71—Majority 24.

The House resumed.

The Committee to sit again.

HOUSE OF LORDS,

Friday, May 13, 1836.

MINUTES.] Bills. Read a second time:—Alien Registration.

Petitions presented. By several NOBLE LORDS, from variou Places, for the Better Observance of the Sabbath.—By th Earl of ABINGDON, from Wantage, for an Extension of th Time to pay off the Money for building Workhouses.—By the Marquess of WESTMINSTER, from the Prisoners o Chester Castle, for the Abolition of Debt, except in Cases o Fraud; and from Kingston-upon-Hull, in favour of Municipal Corporations' (Ireland) Bill.

POOR-LAWS (IRELAND).] The Duke o

Leinster presented a Petition from the inhabitants of Dublin, praying that a system of Poor-laws might be applied to that country, based upon the 43rd of Elizabeth. The petition was most respectably signed, having amongst the names of other most respectable inhabitants of Dublin annexed to it, those of the mayor and sheriffs of that city. He hoped that some system of Poor-laws would be adopted for Ireland, although he did not go the length of concurring in the prayer of the petitioners.

The Earl of *Malmesbury* had expressed his intention of putting a question to the noble Lord opposite (Lord Melbourne) on the subject of this petition, and that he had been told by the noble Lord that he might put the question whenever he pleased. He had not as yet acted on this suggestion, nor did he mean to do so on the present occasion, further than to say, that it would be most satisfactory if the noble Lord who represented the Government in that House, were to intimate what course they meant to pursue on this important question. Some declaration of this description would be most acceptable, not only to the people of Ireland, but to the people of this country, who felt a strong desire, from the fact that the result of the wretched condition of the people of Ireland tended to overstock the English market, to know whether the Government were prepared to bring forward any measure this Session, not for the maintenance of the idle, but for the support of the aged and infirm. No one could read the Report of the Commissioners without feeling that the present state of the poor of Ireland constituted an evil of so crying a nature that he could scarcely make up his mind to approve of all redress being postponed till next Session of Parliament.

The Marquess of *Downshire*, whilst he admitted the existence of the evil which had been so justly complained of, still felt bound to acknowledge, that to deal with it properly and effectually was a most difficult task. He was as desirous as any noble Lord could be to see the people of Ireland really and permanently comfortable; but the great obstacle to any efforts to bring about so desirable a result was the unfortunate but unquestionable difference which existed between the inhabitants of the north and the south of Ireland, and the consequent necessity which was imposed of legislating in such a manner as to meet the exigencies of both cases. With respect to a provision for the aged and infirm poor, he imagined that no difference of opinion existed, but it was with regard to the employment of the people and the administration of the money to be paid by the public that all the difficulties which encompassed the settlement of this question were presented in their true light. He felt inclined to support any measure which was fairly and properly brought before Parliament on this question, though he must say, that he should prefer waiting for a short time to see how that important measure (the Poor-law Amendment Act) operated in England before any measure of a like description was proposed for adoption with regard to Ireland.

Lord *Fitzgerald and Vesci* had been requested by some of the inhabitants of Dublin to support the prayer of this petition. In doing so he begged to say, that, in his opinion, there was no doubt of the importance and necessity of taking some steps towards the adjustment of this question. The noble Marquess who had just sat down anticipated what he was about to express with reference to it—namely, that however anxious he was for the settlement of this question, on public grounds and the grounds of necessity—however desirous he was that the wants of the poor of Ireland should be provided for, he did not wish to press the Government unnecessarily and prematurely to adopt any measure which would not be permanent and beneficial in its effects. It was impossible to read the evidence taken before the Commissioners, or the summary which they had submitted to the House—and which, he was bound to say, displayed admirable industry, discretion, and ability in the discharge of a public duty—without being persuaded not only of the necessity of applying some relief to the distresses of the poor of Ireland, but also of the expediency of not acting rashly and precipitately on this subject. He begged further to say, that whilst he approved of the general objects of a measure for the relief of the poor, by which employment would be afforded, and the means for that employment supplied, he did not approve of the prayer of the petitioners for the extension of the Act of Elizabeth to Ireland, because such a general enactment would, in his opinion, aggravate the evils which at present existed. Whilst he expressed that opinion he begged to be understood as being one of the strenuous advocates for a measure of extensive, permanent, and effectual relief to the poor of Ireland, which might have the effect of putting a stop to the present distress, as well as extinguishing the propensity to outrage and violence, which now unhappily characterised the people of that country.

The Duke of *Richmond* said, that a great portion of the people of this country felt dissatisfied, and he thought justly, that the grievances under which the Irish people laboured, and which were so well depicted in the Report of the Commissioners, did not appear to be likely to be speedily redressed. It was because he thought Poor-laws for Ireland the best means of getting rid of those who ought to remain at home that he had ever been the advocate of them. It was because he thought that those who found themselves under the necessity of constantly leaving their homes in search of employment were never so well satisfied and contented as those who could fairly entertain the hope of procuring general employment at their own place of abode, that he had always supported a system of Poor-laws for Ireland. He hoped that, before long, his Majesty's Government would introduce a measure on this question. If they did not do so shortly, their Lordships would not be able to give that immediate consideration to the subject which it imperatively required.

The Earl of *Wicklow* highly approved of the able and statesmanlike Report of the Commissioners. He did not think that any blame could be attached to his Majesty's Government if they were not prepared with a bill on this most difficult subject in the course of the present Session. If the noble Duke (Richmond) had assured the House that the people of this country required that some system of Poor-laws should be adopted with respect to Ireland, he must express his hope that the attention of Government would not be directed to this question on the ground which the noble Duke had stated. He hoped they would legislate only with reference to the circumstances of the country to which their attention was directed. There appeared to him to be a palpable contradiction in the statement of the noble Earl (Malmesbury); for, in the first place, he called for a system of Poor-laws for Ireland in consequence of the influx of Irish labourers into this country; whilst, in the next place, he admitted that the only measure which ought to be applied was one for the relief of the aged, infirm, and impotent. If the people of England had a right to complain at all, was it on account of the influx of the impotent, the blind, the helpless, and the aged? No! If complaint was justified at all it was in consequence of the intrusion of the able bodied. He trusted that relief would be given to the poor of the country; but he feared that no system of Poor-laws, such at least as that which seemed generally contemplated, would prevent the able-bodied labourers from emigrating.

The Marquess of *Westmeath* was of opinion, in accordance with the views of the landlords in the west of Ireland, that if the people of that part of the country remained at home and attended to their natural callings, instead of to politics, there would be no necessity either for the noble Duke (Richmond) or the noble Earl (Malmesbury) to complain of the influx of the Irish labourers into this country.

The Earl of *Malmesbury* wished to say, in explanation, that the complaint of the agriculturists of this country was, that the land here had to bear the burdens of the poor rate, the assessed taxes, and land tax, whilst the produce of Ireland, as well as those who ought to be the consumers of it, was transferred to this country. He did not wish to press the Government to act prematurely; but he thought that if the Ministers were to say whether or not they would introduce a measure for the relief of the aged and infirm, it would be most satisfactory to the people of this country.

The Marquess of *Clanricarde* agreed with those who thought the question of the employment of the able-bodied labourers was perfectly distinct from some provision for the starving poor of Ireland. He disagreed with those who thought that the influx of Irish labourers tended to impoverish this country; for the fact was, that the most comfortable and able-bodied of the Irish—the cream, in fact, of the men of that country—came over to the agricultural districts of this country; and when they were unable to procure employment there, repaired to the manufacturing towns, where they contributed their share to that skill and industry by which this country was raised to its present state of greatness.

The Duke of *Richmond*, in explanation, begged to say, that the chief ground on which he advocated a legal provision for the poor of Ireland was that of humanity.

The Marquess of *Lansdowne* did not wish, in the absence of his noble Friend (Lord Melbourne), to protract this discussion. The noble Lords opposite, however, were not to suppose that because the Government did not hastily bring forward any measure on this subject that it had escaped their attention, or that their attention would not be bestowed upon it with all the anxiety which was demanded by its important bearings on the moral and political character of the whole population of Ireland, which was involved in the question. The House would feel that it would be extremely improper in him—not being prepared to bring forward any measure on the subject, and not being prepared, he must admit, to state at what particular time such a measure would be brought forward—to go into a discussion of the topics which had been introduced in the course of the debate. As he had said, this question, in its general bearings, not only engaged the attention of Government, but they looked at it with the view of detaching any part of the question from the whole, upon which it might be considered advisable to legislate instantaneously. He would say, that it was impossible to propose any measure on the subject in the course of the present session, without considering its bearings on every part of the question, particularly when it was recollected that one false step with regard to a measure which involved the interest of the population of Ireland might be the means of increasing the difficulties which Parliament would have ultimately to contend with. It was also most important, that before any measure was adopted the suggestions which had been made in the valuable Report of the Commissioners should be extensively circulated for the purpose of obtaining every species of practical information with respect to it.

The Earl of *Winchilsea* would not press the Government to any hasty measure on this question. He would not take any other ground in advocating a system of Poor-laws for Ireland than the sole one of humanity. It was obvious that want, distress, misery, and starvation, existed to an unparalleled degree in that country, and it was equally obvious that had there been a provision for the poor, such would not now be the condition of the people. With regard to the Irish labourers who came over here, he could not concur in the opinion, that it was injurious to England. On the contrary, it was in many instances of great advantage to this country. On one occasion, in Lincolnshire, when the labourers did not arrive at the expected time, great apprehensions were entertained for the safety of the crops, lest they could not be got in, and many calculations were made as to whether the weather was favourable for their arrival. Had they not arrived in time to assist in the harvest the crops would have been lost. He hoped, however, that none of their Lordships would advocate a Poor-rate for Ireland on any such narrow ground as this; but at the same time he would express as fervent a hope, that no honest English labourer should ever suffer from an overstocked labour market.

Petition laid on the Table.

HOUSE OF COMMONS,

Friday, May 13, 1836.

MINUTES.] Bill. Read a third time:—Dublin Police.

Petitions presented. By Mr. AINSWORTH and Mr. RICHARD WALKER, from various Places, for Exempting Trust Deeds from Stamp Duties.—By several MEMBERS, from various Places, for the Better Observance of the Sabbath. —By Mr. INGHAM, from St. Hilda, against the Bishopric of Durham Bill.—By Captain F. BERKELEY, from the Legal Profession of Gloucester, for a Repeal of the Duty on Attorneys' Certificates.—By Mr. NEILD and Sir EDWARD KNATCHBULL, from the Guardians of the Poor in East Kent, for an Extension of Time for Repaying Money borrowed to build Workhouses.—By Mr. BANNERMAN, from the Coach Proprietors of Glasgow, for a Repeal of the Duty on Post-Horses and Carriages; and from Aberdeen, for preventing Merchant Vessels from being sent to Sea in an unfit State.—By Mr. PEMBERTON, from Ripon, against Transferring the Business of the Local Courts to London. —By several MEMBERS, from various Places, for Inquiry into Agricultural Distress.—By Sir EDWARD KNATCHBULL, from Canterbury, against the Descents and Heriots' Bill.— By Sir E. KNATCHBULL, from Canterbury, against the Marriages and Registrations of Births' Bill.

CONSTABULARY (IRELAND).] Viscount *Morpeth* moved, that the amendments of the Lords to the Constabulary (Ireland) Bill be printed.

Sir *George Sinclair* considered the amendments which had been made in this Bill by the House of Lords of the very highest importance. This was one of the many occasions when it became the House well to consider, and the country duly to estimate, the many advantages they derived from the independent legislative character and constitutional working of the House of Lords. They all knew in what state this measure had been sent up to the other House, and the enormous additional expenses it proposed to entail on the country for the maintenance of the constabulary of Ireland; but, under the searching investigation to which the Bill had been subjected, those expenses had greatly been diminished without at all impairing the efficiency of that force. Those amendments had at once been acceded to by Ministers, and he hoped no objection would now be offered to the printing of the schedules in their original shape, showing the different offices proposed to be created, with the salaries as they then stood, in contrasted columns, with the respective offices and salaries as adopted by the House of Lords. The House of Lords had on this occasion done what the hon. Member for Middlesex, if he had not slept at his post, should have proposed. He wondered why that hon. Member had suffered those offices, and the amount of salaries attached to them, so entirely to escape his notice; and he trusted the line of conduct they had adopted on the present occasion would, at length, tend to make him more favourable to that assembly by whom such economical measures had been carried into effect.

Viscount *Morpeth* did not see how the House could attend to the recommendation of the hon. Baronet. He had moved that the amendments be printed, in order that the House might be more competent than at present to form an opinion as to their precise bearing and character. He did not despair of showing on a future occasion that the alterations which had been made in the Bill did not afford such grounds for commendation as the hon. Baronet had bestowed on them.

Criminal Laws.] Sir *Eardley Wilmot* wished to ask a question of the noble Lord the Secretary for the Home Department. Some time ago he had inquired whether it was the intention of the Government to bring in a measure to establish summary tribunals to try offences of a petty description. The noble Lord had said, that the subject was then under the consideration of Government. Since that time a Report on the state of Newgate had appeared, which recommended the very thing which he (Sir E. Wilmot) endeavoured to suggest, viz., that prisoners should be tried at petty sessions by a jury of five or seven. He wished to know whether it was the intention of the Government to introduce a measure on the subject?

Lord *John Russell* said, that Government might bring in a Bill on this subject this Session, but at the same time he would not hold out any great hopes that he would be abe to carry the second reading in the present Session.

Sir *Eardley Wilmot* would bring in a measure himself, if the Government would support him—not in all the details, but on the principle of it.

Rural Police.] Sir *Oswald Mosley* wished to know whether his Majesty's Government had it under consideration to bring in a Bill this Session, or very early in the next, to regulate the rural police? A measure on this subject was very much required, and the country felt very anxious that it should be passed.

Lord *John Russell* said, that a Bill was in preparation on the subject, but he could not say that he should bring it under the consideration of the House this Session. If there was time he would do so, but it would altogether depend upon the state of the public business, and he could not hold out any hopes to the hon. Gentleman.

Commutation of Tithes (England).] On the motion of Lord John Russell, the House went into Committee on the Tithes Commutation England Bill.

Mr. *Finch* rose to move, as an amendment to clause 34, p. 13, line 9, the words 75*l.* be substituted for 60*l.* In doing so the hon. Member said, that upon consideration he should waive his amendment, and direct his observations chiefly to the clause. The reason why he moved that in the place of 60*l.* 75*l.* should be inserted was a conviction that, if a balance was struck between the tithe payers and owners, 75*l.* would be the proper amount. There was a variety of opinions upon the subject, and it was, therefore, difficult to say what was the proper amount, and what was not. He could not give his sanction to any Bill that did not proceed upon the principle of equity. The only principle with which the people ought to be satisfied and would be satisfied was the principle of strict and substantial justice. It had been said that the public were interested in this Bill, but he contended that the Bill did not affect the rights or property of the people at all; it went merely to arrange matters between the tithe-owner and the landed proprietor. He was sure the landed proprietors of England—he was sure the landed aristocracy of England, desired not to take one sixpence from the clergy of the Established Church. If they passed this Bill how could they resist the principle of appropriation involved in the Irish Church Bill? He should, therefore, feel it is duty to give the clause his decided opposition.

Mr. *Estcourt* concurred in the observations of the hon. Member who had last spoken. He believed the noble Lord would shortly find, that, instead of attempting a maximum and minimum, he should have adopted the suggestion of the hon. Member for Cumberland, and have had recourse to a valuation, Mr. *Parrott* conceived, that such a proposition would produce confusion throughout the entire country, and create enormous expense. He had hoped, that the minimum would have been fifty instead of sixty per cent. In his opinion, tithes were not worth more than they would produce in money, after deducting the expense of collection. He would reserve to himself the power of objecting to the entire clause hereafter.

Mr. *Goulburn* did not see why a special provision should be made for those cases in which the collection exceeded the maximum, while no special provision was made for those cases where the collection was less than the minimum. There was no reciprocity in this instance.

Mr. *Estcourt* said there were many cases where the collection did not amount to 10 per cent. There was no provision for such a case.

Mr. *Charles Buller* would support the amendment, for he did not think that the minimum and maximum would do justice either to the tithe-owner or the tithe-payer.

Sir *Robert Peel* understood, that the 33rd and 34th clauses involved the main principles of the Bill—that the compulsory principle should be enforced, and that the maximum and minimum should be fixed. He would suggest, that the discussion upon these points should be postponed, and he hoped the noble Lord would not conceive that in making any suggestion of this sort there was any concession on the part of himself or those who acted with him. It appeared to him that no answer had been given to the objections urged as to the maximum and minimum of the last seven years. According to the plan now proposed the amount of commutation would depend in many cases on the past lenity and forbearance of the clergyman, and it would be unfair that his forbearance should tend to his disadvantage. He thought in the arrangement the voluntary principle should be included. There were two objections to the clause, and the mode of fixing the maximum and minimum it proposed. The first was, that parishes might be taxed so as to have a practical operation of inequality. He would suppose a case in point of two contiguous parishes; one with a lenient pastor who took only 57 per cent., the other with a pastor who exacted the full 75 per cent. Now by the mode proposed in the clause the parish paying the lesser sum would be equalised with that paying the greater, and thus an injustice would be done it. The income of one would be diminished while the other would receive the full value. The second was this, a man might expend his capital on bad land, so as to make it productive, while another, having little or no capital, was unable to make productive land pay its expenses. The mode of taking the maximum or minimum in regard to these was evidently a defective one. He should suggest that, in place of Commissioners, valuers should be appointed, as under the Enclosure Act, to determine matters in dispute, and when the valuers could not agree he would call in some man of weight and character as umpire between the parishes and the incumbent or appropriator.

Lord *J. Russell* said, that he considered the basis on which the clause was founded a fair one, as it was calculated to produce so little disturbance. To the principle of that basis he felt himself bound to adhere.

Mr. *Blamire* said, he was anxious, before the discussion upon the clause terminated, to address a few words to the House upon it. He thought the plan of the noble Lord for establishing a maximum and a minimum was, at any rate, a most questionable policy. Considerable expense was incurred in settling these matters, and there were very few cases in which you could fix the exact sum that ought to be paid. If it was to be fixed by the Assistant-Commissioner, he would have a most dangerous power intrusted to him, since he was not obliged to give publicity to his calculations, and that discretionary power ought to be checked by a local Board. He conceived, that the voluntary part of this Bill would be gladly acceded to by the country; and with respect to the compulsory part of it, time ought to be given to deal with the more difficult cases. He recommended the House to pass no law which would press hardly on individuals, but to wait and see the results of this measure, and then they could come back to Parliament and amend this Bill, if necessary. The Commissioners would have acquired a more intimate knowledge of the intricate cases that would arise, and the House would be better prepared to legislate on the subject. At any rate, he should be glad to see the plan of the noble Lord with respect to a minimum and maximum abandoned.

Mr. Finch's amendment was withdrawn.

An amendment proposed by Lord *Ebrington,* to the effect that the Assistant-Commissioners should hear the parties and decide, subject to an appeal, so that no less than 50*l.* nor more than 60*l.* should be awarded, was postponed.

Mr. *Parrott* proposed a proviso to the Clause, enacting that in fixing the permanent tithe-composition a reduction of 10*l.* per cent. should be made from the average value ascertained by the Commissioners.

The Committee divided on the amendment:—Ayes 38; Noes 73—Majority 35.

List of the AYES.

Aglionby, H. R.
Alston, R.
Baines, C.
Barnard, E. G.
Bewes, T.
Blamire, W.
Bowring, Dr.
Bridgeman, H.
Brotherton, J.
Cayley, E. S.
Collier, T.
Crawford, W. S.
Curteis, E. B.
Curteis, H. B.
Duncombe, T. S.
Elphinstone, H.
Gillon, W. D.
Grote, G.
Hawes, B.
Heathcoat, T.
Hindley, C.
Hodges, T. L.
Lennard, T. B.
Marsland, H.
Mullins, F. W.
Musgrave, Sir R.
O'Brien, C.
Potter, R.
Power, T.
Pryme, G.
Richards, T.
Stuart, V.
Talbot, J. H.
Thornely, T.
Verney, Sir H.
Warburton, H.
Williams, W.
Williams, W. A.

TELLER.

Parrott, J.

On the question that the clause stand part of the Bill,

Mr. *Wrightson* moved, that it be omitted. He was extremely unwilling to interpose any obstacle in the way of a measure of so much importance, for the introduction of which so much credit was due to his Majesty's Government; but he felt so satisfied that the clause could never come into operation in a useful or satisfactory manner, that he was bound to oppose it. The 33rd clause contained within itself all the material principles involved in the present one; and he considered it quite unnecessary to introduce a second principle, applicable to the same point, the only effect of which would be, to commit a very gross injustice against a large class of persons, by disturbing the existing compositions, on the faith of which land had been let tithe-free on the one hand, and taken on the other. The principle he wished to substitute had been adopted again and again in former commutations of tithe. To show the injustice of that proposed by his Majesty's Ministers, he need only refer to the evidence of one witness, examined before the Committee on agriculture, the amount of whose composition for tithe was at present 3*s.* an acre, who stated, that if his tithe were taken in kind it would amount to more than his rent—to no less, perhaps, than 40*s.* an acre. He would only add, that in those parts of the country in which this clause was understood, there was a very strong feeling against it. They had not, however, petitioned upon the subject, preferring to leave the matter to the wisdom and justice of Parliament, in which they placed a confidence, which he hoped would not be disappointed. There could be no necessity whatever for the present clause. The tithe-owners at present enjoyed a greater sum than they had ever enjoyed before; and they would hereafter enjoy a larger sum than they could have possessed under the existing law, or ever hoped to possess. The hon. Member concluded by moving the omission of the clause.

Mr. *Gally Knight* stated, that if Clause 34 was agreed to, it would defeat the object of the clauses already adopted. If this part of the measure was adopted it would not give that satisfaction to the country which should be the result of a Bill on this subject. He would support the amendment.

Mr. *Cayley* had no hesitation in telling the noble Lord, that if he did not modify this clause he would destroy the principle of the Bill, which, no doubt, he was most anxious to carry. If he persisted on this part of the Bill, he (Mr. Cayley) would tell the noble Lord that he would lose the support of those who were most anxious that the principle of commutation should be carried into effect. Hon. Gentlemen opposite were anxious to keep up those parts of the Bill which appeared most favourable to the Church; but would this satisfy those prepared to carry out a satisfactory measure? He thought this was a point on which hon. Members should make a stand.

The *Solicitor-General* said, that as the question had been so often discussed under one form or another, he should only offer one observation as to the ground on which he continued to prefer Clause 34, as it stood in the Bill, to any of the amendments which had been proposed. He entirely agreed with his hon. Friend, the Member for Northallerton (Mr. Wrightson), that the same principle was to be found in the 33rd Clause. He thought that they ought to seek to do justice to the tithe-owners, on the principle on which their rights were founded, and not on any imaginary suggestions which might be thrown out. He objected to the proposition of his hon. Friend, because it did not attempt to provide for those cases in which the standard of commutation might be fixed at too high a rate. It might be said that extreme cases should be left to the decision of the Commission, but he could not consent to this proposal, which would open a door for unbounded litigation, inasmuch as no general principle was laid down to regulate their award.

Mr. *William Miles* opposed the clause. He would suggest, that in all cases where the amount of tithe under the commutation was below the minimum, it should be left to the decision of the Commissioners, with the right of appeal to a superior tribunal, and that the costs should be borne by the losing party.

The Committee divided on the question that the clause as amended stand part of the Bill:—Ayes 78; Noes 70—Majority 8.

The House resumed.—The Committee to sit again.

HOUSE OF LORDS,

Monday, May 16, 1836.

MINUTES.] Bills. Read a second time:—Turnpike Roads' (Scotland).

Petitions presented. By several NOBLE LORDS, from various Places, for the Better Observance of the Sabbath.—By the Earl of BURLINGTON and the Earl of Falmouth, from Sheffield and Falmouth, against the Punishment of Death for any Crime but Murder.—By the Earl of BURLINGTON, from Oldham, for the Repeal of the Stamp Duty on Newspapers.—By the Marquess of LANSDOWNE, from the Medical Profession in Suffolk and at Bath, for Remuneration for attending Coroners' Inquests.—By the Marquess of LANSDOWNE, from the parishes of St. Phillips and St. Jacobs, Bristol, against the use of Spirits, and to adopt Measures to prevent Drunkenness.

MUNICIPAL CORPORATIONS (IRELAND).] The Marquess of *Lansdowne:* Seeing the noble and learned Lord (Lord Lyndhurst) in the House, and perceiving that one of the most important of the Orders of the Day, is the recommitment of a Bill which is still called a Bill for the Better Regulation of Municipal Corporations in Ireland, I should be desirous of learning from the noble and learned Lord whether, as he possesses the best claim to the merit of having prepared the measure, he intends himself, or whether he wishes me, to move the Bill through its further stages?

Lord *Lyndhurst:* In reply to the noble Marquess I have only to say, that if he, or any other Member of the Government, will move the recommitment of the Bill for the Better Regulation of the Municipal Corporations of Ireland, I shall be ready to move certain amendments.

The Marquess of *Lansdowne:* Then, my Lords, as the noble and learned Lord seems to think it is my duty so to do, I am undoubtedly prepared to move the recommitment of this Bill. I am prepared to move the recommitment of this Bill for the purpose of showing the respect I entertain for the deliberations of the other House of Parliament, which sent up this measure for our consideration. It is in this sense alone I beg it may be distinctly understood, that I believe it to be my duty to move the recommitment of the Bill—it will be in this sense alone that I shall (should the noble and learned Lord not do so) move the Bill through the remaining stages it has to pass in this House. I repeat, that as the noble and learned Lord declines to make the motion, I shall certainly move the Bill both in its present and future stages; but I wish it to be understood, that in so doing I do not adopt either the principles or the details of the Bill—for both principles and details have been changed since it came into this House—and that I only take this step for the purpose of affording to the other House of Parliament an opportunity of considering if it is able to recognize the identity of their Bill in that which shall be returned to them.

Lord *Lyndhurst:* I beg to assure the noble Marquess, that I meant to show him no discourtesy in declining to accord to his evident wish that I should take upon myself the moving of the Order of the Day. I merely desired that the ordinary course of proceeding should be adopted upon the present occasion, and that as the measure which forms the subject of this discussion originally made its appearance in this House on the introduction of a Member of the Government, it should be moved through its several stages under the same management.

The Marquess of *Clanricarde:* I do not rise to oppose the motion for the recommitment of this Bill. At the same time I must say, that most undoubtedly if it comes from the Committee in the shape it now appears likely it will be made to assume, it shall meet from me with all the opposition a very humble Member of this Assembly can give it. I take the measure as it now stands to be a positive insult to the people of Ireland. In place of being amended, the Bill has been entirely altered—altered in its principles and altered in its details, while the pervading principle of every change has been the most mistaken view of policy ever yet proposed to the Legislature for adoption.

Lord *Lyndhurst:* I think that as we have made some progress with the Bill in Committee, the better course would be to go through the remaining clauses, and then take the discussion upon the third reading, If this course meets the wishes of the noble Marquess, I shall be quite ready to propose my amendments.

The Marquess of *Lansdowne :* In order that the noble and learned Lord may remove the imperfections which are to be found in the Bill as it has been reconstructed, I now move that the House resolve itself into Committee. In doing so, however, I must say, that I entirely concur in the observations which have fallen from the noble Marquess near me, and I shall be ready to afford him my support in the opposition he meditates giving to the Bill in its future stages.

The House resolved itself into Committee.

Upon the suggestion of Lord Lyndhurst, the Committee commenced its proceedings by supplying several technical omissions in the clauses already considered.

On the 65th Section which provides for Recorders, being read,

Lord *Lyndhurst,* in answer to a question from a noble Lord, said that it was his intention, on the Report being brought up, to move that Belfast and Londonderry should have Recorders. He did not do so on that occasion, because such a motion would take the House by surprise.

On the 68th Clause being proposed,

The *Lord Chancellor,* in support of an amendment which he had suggested, to the effect as we understood, that the Lord Lieutenant should be enabled to oblige any Recorder having a seat in Parliament to the proper performance of the duties of his office, stated, that his only object in proposing such an alteration was, that a Recorder so circumstanced should not in future be left the option of performing his Parliamentary duties, but that his judicial functions should be attended to before those which attached to him as a Member of Parliament.

The Earl of *Roden* protested against the Recorders being disqualified to occupy a seat in Parliament, by an amendment such as that which had been proposed. If it were not considered right that the Recorders should be allowed to sit in Parliament, there ought to be a substantive motion made to that effect.

The Duke of *Richmond* said, it was his intention, on the third reading of the Bill, to move a specific clause to the effect, that Recorders should not be allowed to sit in Parliament.

The Clauses of the Bill having been all read and agreed to,

The Marquess of *Lansdowne* observed, that it would be desirable that the Bill should go down to the House of Commons before the holidays; and premising that their Lordships were disposed to grant the same allowance with respect to the holidays as the House of Commons, and considering the disinclination which their Lordships had to sit on Thursday, he took it for granted that the noble and learned Lord (Lord Lyndhurst) would have no objection to have the Report of the Bill brought up to-morrow, and the third reading taken on Wednesday.

Lord *Lyndhurst* said, that he had framed the amendments which had been proposed in order to consult the convenience of their Lordships, but that with respect to the third reading of the Bill, he had no more to do with that than any other noble Lord.

The Marquess of *Lansdowne :* It was his intention to move the third reading of the Bill exclusively for the purpose of giving the House of Commons an opportunity of knowing how their Lordships had dealt with the Bill which was sent up from that House.—Subject dropped.

HOUSE OF COMMONS,

Monday, May 16, 1836.

Minutes.] Bills. Read a first time:—Consolidated Fund; Parish Vestries.

Petitions presented. By Mr. Scholefield, from the Pedlinton Building Society, for Exempting Building Societies from the operation of the Stamp Duties' Bill.

Dublin Election.] Mr. *John Maxwell,* chairman, brought up the report of the Dublin Election Committee, which he read to the House as follows :—

"That Daniel O'Connell, esq., was not duly elected a citizen to serve in this present Parliament for the city of Dublin.

"That Edward Southwell Ruthven, esq., was not duly elected a citizen to serve in this present Parliament for the city of Dublin.

"That George Alexander Hamilton, esq., is duly elected, and ought to have been returned a citizen to serve in this present Parliament for the city of Dublin.

"That John Beattie West, esq., is duly elected, and ought to have been returned to serve in this present Parliament for the city of Dublin.

"That the petition of Robert King, John Mallet, and others, in the opinion of this Committee, is not frivolous or vexatious, and that the opposition to the said petition does not appear to the Committee to be frivolous or vexatious.

"That these resolutions be forthwith reported to the House."

The hon. Gentleman then stated that he had been directed to make the following special report to the House:—

"The Committee feel it to be their duty especially to report to the House that eight persons, viz.—Matthew Madden, George Osborne, Patrick Finnucane, O. Richards, John Forsyth, Charles Dempsey, James Baldwin, and Andrew Hutchinson, were struck off the poll, as having voted from corrupt expectation, and having subsequently received money. But the Committee is unanimously of opinion that there is no evidence that Messrs. West and Hamilton, for whom they voted, were either directly or indirectly implicated in such corrupt practices.

"The Committee further consider it their duty to make known to the House that they have found a very general irregularity to prevail in the assessment and collection of municipal taxes in the city of Dublin, and that from the absence of all public notice of their imposition, the uncertainty attending their collection, and the liability of payment attached in many instances to various occupiers of the same premises, the exercise of their franchise is frequently subject to difficulties, which the Committee cannot believe was contemplated by the Legislature."

TRINITY (NORTH LEITH) HARBOUR.] Sir *Andrew L. Hay* moved the further consideration of the Trinity (North Leith) Harbour and Docks Bill.

The *Attorney General* said, that all persons in Edinburgh concurred as to the utility and necessity of making a good low-water pier there. He was in hope that the old harbour of Leith could be sufficiently improved to answer all the purposes of such a pier, and he had therefore proposed last Session, when this Bill was before the House, that the harbour of Leith should be improved for that purpose, He, at the same time, intimated, that if there should be no prospect this Session of the harbour of Leith being so improved he would offer no opposition to this Bill. When the Bill was brought in this Session, there being no such prospect then in existence, he had offered no opposition to it, but the prospect was now altered, and he believed, that before the end of the present Session a Bill would be passed for making the necessary improvements in the old harbour of Leith. He should, under these circumstances, propose that the further consideration of this Report should be postponed. He was the more inclined to do so, as he saw by the paper that his right hon. Friend the Chancellor of the Exchequer had a motion for that evening for the appointment of a select committee to consider of Leith Harbour debt. He (the Attorney General) was sanguine enough to hope, that the result of the labours of that committee would be, that Leith Harbour might be so improved as to do away with the necessity for this measure; and all he asked was, that the further consideration of this Report should be delayed until they had the Report of that committee before them. If then it should appear that there was no reasonable prospect of a Bill being passed this Session for the improvement of Leith Harbour, he would offer no further opposition to this Bill. It was most desirable, however, even for the promoters of this Bill, that that fact should be ascertained in the first instance. He had paid much attention to this subject last Session, and he had no doubt that when all the money was laid out in this adventure, there would be no return for it, if the harbour of Leith should be improved. The sentiments which he now uttered he spoke as those of the independent Member for Edinburgh, and as wholly unconnected with his Majesty's Government. He was wholly regardless of what the Government wished on this subject. He made the present proposition on general grounds, and from the conscientious belief that it was for the benefit of his constituents. Upon questions of greater importance he might be excused for saying, perhaps, that he had not made up his mind whether he should support or oppose the Government—but in a local concern like this, affecting the city of Edinburgh, he cared not one farthing what was the wish of the Government. With a view to the general interests of all concerned in this matter, he begged to move as an amendment that the further consideration of the Report be postponed till that day fortnight.

Sir *Andrew L. Hay* did not expect any opposition to his motion, after this Bill had been before the House during two Sessions, and had passed through two committees. He called upon the House to do justice to themselves and the parties engaged in promoting this Bill, by allowing it to proceed through its different stages without further opposition. It might be of advantage to the constituents of his right hon. Friend the Attorney-General to have delay given to the measure, but it could not be to the general interests of the country.

Mr. *Labouchere* said, that when this Bill was before the House last Session, he had proposed the postponement of it on the ground that the subject was under the consideration of Government and that time should be given to the Government to come to some arrangement. That time had been given; those efforts had been made on the part of the Government with a view to an arrangement with the city of Edinburgh, and up to that moment they had been unsuccessful, but he felt, that it would be a complete breach of faith on the part of the Government with the parties interested in this Bill, if it now endeavoured to prevent the passing of it this Session. After the means which had been tried for effecting an arrangement of this matter had been unsuccessful, he trusted that better success would attend the labours of the Committee for the appointment of which his right hon. Friend the Chancellor of the Exchequer would move to-night. But he did not think, that it would be fair on the part of the Government to oppose this Bill now on such grounds. His right hon. Friend the Member for the city of Edinburgh, had a perfect right to act in this matter as his constituents desired, but the House should clearly understand, that on the part of the Government there was no opposition made to this Bill, The parties concerned in the Bill knew how the case stood; they knew that they took this measure at their own risk, and they were the best judges how far their interests would be served by the passing of the Bill.

Sir *Edward Codrington* had attended the Committee on this Bill, being in no way personally interested in the matter, and was persuaded from the evidence taken before the Committee, that it was impracticable to make the required harbour at Leith, and that Trinity was the fittest of all positions for it. He certainly thought, that there should be no further interference on the part of the Government with this business, and that the matter should be allowed to take its course. A very heavy expense had been incurred by the promoters of the Bill, and it would be unfair to throw any more upon them. If they were satisfied with the speculation, they should be allowed to take it at their peril. He would repeat, that Trinity was the fittest position for a harbour.

Sir *George Clerk* said, that he must vote for the proposition of the Attorney-General. With a view to the saving of time and unnecessary expense, an adjournment of the Committee had been moved and carried at an early stage of its proceedings till this very day. However, the next day the Chancellor of the Exchequer came down and objected to the adjournment, and a peremptory order was made by the House for the reassembling of the Committee. He agreed with the gallant Admiral in the opinion, that if his Majesty's Government should go into an inquiry into the debt due by the harbour of Leith to the Government, that inquiry must have for its object the making the harbour of Leith so improved as to prevent a rival harbour from depriving it of the means of meeting the interest of its debt and sinking fund. The harbour of Leith would always have the superiority in warehouse and dock accommodation over any rival harbour. He was surprised that the Chancellor of the Exchequer had so long delayed the appointment of the Committee for which he was to move that night. He thought with the Attorney-General that the further consideration of the Report should be postponed till they had the report of that Committee. The House would then be able to understand whether a satisfactory arrangement could not be made by the Government in regard to Leith harbour. As long as there was a hope of such an arrangement being made they should delay the Bill.

The *Attorney-General* observed, that it was impossible for the Chancellor of the Exchequer to have moved for the Committee sooner.

Mr. *Baring* complained that the hon. Baronet had made a speech in answer to what he anticipated would be stated by the Chancellor of the Exchequer. There had been full notice to the parties concerned that the Government would take this course. He thought, that after the recommendation of the Committee last Session, and after the expectation then held out, it would be most unfair on the part of the Government to propose the further delay of this Bill.

The House divided on the original question: Ayes 168; Noes 15: Majority 153.

List of the AYES.

Acheson, Viscount
Agnew, Sir A., Bart.
Ainsworth, P.
Alsager, Captain
Attwood, Thomas
Bagshaw, John
Bailey, J.
Baillie, H. D.
Baldwin, Dr.
Balfour, T.
Bannerman, Alex.
Barclay, David
Barclay, Charles
Baring, F. T.
Baring, F.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beckett, Sir J.
Bell, Matthew
Bellew, Richard M.
Bish, Thomas
Blackburne, John I.
Blamire, W.

Bonham, R. Francis
Bowring, Dr.
Brady, D. C.
Bridgman, Hewitt
Brocklehurst, J.
Brotherton, J.
Brownrigg, J. S.
Browne, R. D.
Bruce, Lord E.
Bruce, C. L. C.
Byng, George
Calcraft, J. H.
Canning, Sir S.
Cavendish, hon. G. H.
Chalmers, P.
Chaplin, Col.
Chapman, Aaron
Chisholm, A.
Clements, Viscount
Codrington, Sir E.
Colborne, N. W. R.
Crawford, W. S.
Crawford, W.
Dalbiac, Sir C.
Darlington, Earl of
Denison, J.
Divett, E,
Dunbar, George
Duncombe, T. S.
Dundas, J. D.
Ebrington, Lord
Elley, Sir J.
Ellice, E.
Ewart, W.
Fazakerley, N.
Fector, John Minet
Fergus, John
Ferguson, Sir R.
Ferguson, Robert
Ferguson, G.
Finch, George
Fleetwood, Peter H.
Forster, Charles S.
Gaskell, J. M.
Gaskell, Daniel
Gillon, W. D.
Gladstone, Thomas
Goulburn, Sergeant
Greisley, Sir R.
Grey, Sir Geo., Bart.
Grote, G.
Guest, J. J.
Hall, B.
Handley, H.
Hardinge, Sir H.
Hardy, J.
Harland, W. Charles
Hastie, A.
Hawkins, J. H.
Hector, C. J.
Henniker, Lord
Hindley, C.
Hobhouse, Sir J. C.
Hodges, T. L.
Hope, hon. James
Howard, P. H.
Hughes, Hughes
Hume, J.
Humphrey, John
Hurst, R. H.
Jervis, John
Johnston, Andrew
Kearsley, J. H.
Knightley, Sir C.
Labouchere, Henry
Lee, John Lee
Lefroy, Anthony
Lennox, Lord G.
Lennox, Lord A.
Lincoln, Earl of
Loch, James
Lowther, Col. H. C.
Lushington, Dr. S.
Mackenzie, S.
Mackinnon, W. A.
Maclean, Donald
Macleod, R.
M'Taggart, J.
Marjoribanks, S.
Marsland, Henry
Maule, Hon. Fox
Methuen, Paul
Morpeth, Lord
Morrison, J.
Mosley, Sir O., Bart.
Musgrave, Sir R.
Nagle, Sir R.
North, Frederick
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
Oliphant, Lawrence
O'Loghlen, M.
Packe, C. W.
Paget, Frederick
Parker, John
Parnell, Sir H.
Pattison, J.
Pease, J.
Pendarves, E. W.
Philips, Mark
Philips, G. R.
Plunkett, R.
Pollen, Sir J., Bart.
Potter, R.
Poulter, John Sayer
Roche, D.
Roebuck, J. A.
Rundle, J.
Sandon, Lord
Scholefield, J.
Scott, Sir E. D.
Scrope, George P.
Sharpe, General
Strutt, Edward
Stuart, Lord James
Stuart, V.
Thompson, Colonel
Thornely, T.
Tooke, W.
Turner, Wm.
Vesey, Hon. Thomas
Villiers, C.
Vivian, J. H.
Wakley, T.
Walker, Richard
Wallace, R.
Wason, R.
Wigney, Isaac N.
Wilbraham, G.
Williams, W. A.
Wrottesley, Sir J.
Young, J.

TELLERS.

Hay, Sir A. L.
Stanley, E. J.

List of the NOES.

Bethell, Richard
Bradshaw, James
Buller, Sir J. B. Yarde
Estcourt, Thos. S. B.
Forbes, Wm.
Jackson, Sergeant
Murray, John Arch.
Nicholl, Dr.
Pringle, A.
Pryme, George
Rae, Sir Wm., Bart.
Ross, Charles
Sheppard, T.
Trevor, Hon. Arthur
Wemyss, Capt.

TELLERS.

Clerk, Sir G., Bart.
Campbell, Sir J.

ABERDEEN SCHOOLS.] Mr. *Bannerman* rose in pursuance of notice to move to refer back the Aberdeen Schools Bill to the Select Committee which had already reported upon it. The hon. Member called the attention of the House to the vicious system of legislation and to the party spirit prevailing in Select Committees. He hoped to be allowed to state a few circumstances connected with the measure which he thought would place the subject in a clearer point of view, and show that he was justified in the course he recommended. A discussion had occurred on the second reading of the Bill, and if it had been thrown out by a decision against the principle, much trouble and expense would have been saved; but upon a division it was carried by a majority of 46. The House had thus decided in favour of the principle of the measure—a most important principle to Scotland—and the clauses were sent to a Select Committee for its determination upon them. None of the facts were disputed in the Committee, but the hon. Member for Harwich, with that honesty and candour which distinguished his votes and proceedings, admitted that the Bill was to be opposed because it contained appropriation on a small scale. Nobody had disputed the testimony of the Lord Provost of Aberdeen, who was the only witness, no further evidence being considered necessary; but it was said, that the Bill contained an appropriation clause, and that for that reason it could not be passed into law. By a majority of twelve to eight the Committee decided, that the preamble had not been proved; and if he (Mr. Bannerman) were able to establish that that decision was wrong, he apprehended it would be enough to warrant his motion. He expressed his strong sense of the impropriety of the conduct of those

Members of the Committee who came down to vote without having heard the evidence, and complained that the majority had made up their minds before even the Lord Provost had been examined. As to the supposed remedy by appeal, it did not apply to this case, as there was no party promoting the Bill who could petition for the reference of the question to that tribunal. The hon. Member read the preamble, contending that many of the facts there asserted had been admitted, and that the rest had been distinctly established in evidence. The truth was, that the appropriation clause was the real and only ground of resistance, and he was willing to refer the question to any lawyer to decide whether the preamble had not been completely made out. Under these circumstances he moved, that the Bill be recommitted, and that the Committee be instructed to reconsider its determination.

Mr. *Robert Ferguson* seconded the motion. He could not account for the decision of the majority, unless it was from the alarm even a precedent on so small a scale might create at the present moment, of an appropriation of a surplus for the object of education.

Captain *Gordon* contended that the motion recommended a most extraordinary and unprecedented mode of proceeding, and that if there were any just and sufficient reason to complain of the decision of the Committee, the proper remedy was by appeal. True it was, that the Committee had decided upon the principle of the measure, because they had determined against the preamble in which the principle was involved. The estates had been left by Sir A. Hay to be applied by the trustees to a particular purpose, and to no other, as they would answer for it at the day of judgment; and yet the promoters of the present Bill wished to divert the funds to a totally different object—the erection of schools—not for the benefit of all the citizens of Aberdeen, but for the advantage of such as could afford to pay an additional sum for the education of their children.

Mr. *Poulter* said, that the Committee had gone beyond its duty in deciding against the principle of the Bill which had been affirmed by the House on the second reading. As to the last observation of the hon. and gallant Member, the Lord Provost of Aberdeen had distinctly stated, that all classes in that city would be benefitted by the construction of the schools. The interests of education were of the highest importance, and the testator, Sir Alexander Hay, having only the welfare of Aberdeen in view, would not have disapproved of the proposed application of the funds to the erection and maintenance of schools. If the present motion were singular, it arose out of the still more singular conduct of the Committee; and when it was objected that the Bill proposed a misappropriation of funds, it ought not to be forgotten that Parliament had already sanctioned the application of 14,000*l.* to the construction of a bridge unconnected with the bridge of Balgounie, which had been erected by Robert Bruce.

Sir *George Clerk* opposed the motion. A similar application made on Friday last, had been withdrawn on the ground that it was unprecedented. He did not think it any valid objection to the conduct of the Committee in this case that it had acted upon principle; it had done so, and had decided that money left for one purpose ought not to be applied to another The House had only determined when it passed the second reading, that the promoters of the measure had made out a *prima facie* case, but on further inquiry by the Committee, it appeared that the preamble was not proved, and that the *prima facie* case could not be sustained. Since he voted in the Committee he had carefully gone over the whole of the evidence, and he never was better satisfied with any decision to which he had at any time come. There seemed to him no more ground for sending back this Bill to the Committee than for sending back every other in which the Report did not happen to satisfy the parties; he requested the opinion of the Chair upon the point of order.

The *Speaker* said, that the expediency of the proposition was a question on which, of course, he should not give any opinion, but he knew no reason why in point of form the motion of the hon. Member for Aberdeen might not be made.

Sir *Andrew Leith Hay* stated, that the only evidence heard, that of the Lord Provost of Aberdeen, was as clear as possible in favour of the Bill, yet the Committee threw out the preamble. He hoped the House would consent to the motion.

Captain *Wemyss* had been a Member of the Committee. The preamble had been thrown out by the votes of three or four English Members, who entered the room after the discussion upon the subject had been concluded.

The House divided.—Ayes 158; Noes 107;—Majority 51.

List of the Ayes.

Acheson, Viscount
Aglionby, H. A.
Ainsworth, P.
Attwood, Thomas
Bagshaw, John
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Bellew, Rich. M.
Bewes, T.
Biddulph, Robert
Bish, Thomas
Blackburne, John
Blamire, W.
Blunt, Sir Charles R.
Bowring, Dr.
Brady, D. C.
Bridgman, Hewitt
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Bulwer, H. L.
Byng, George
Byng, G. S.
Campbell, Sir J.
Cavendish, hon. G. H.
Chalmers, P.
Chapman, M. L.
Chichester, J. P. B.
Clay, William
Clements, Viscount
Codrington, Sir E.
Colborne, N. W. R.
Cowper, hon. W. F.
Crawford, W. S.
Crawford, W.
Dalmeny, Lord
Denison, W. J.
Dillwyn, L. W.
Divett, E.
Donkin, Sir R.
Duncombe, T. S.
Dundas, hon. T.
Dundas, J. D.
Ebrington, Lord
Edwards, Colonel
Ellice, E.
Elphinstone, H.
Evans, George
Ewart, W.
Fergus, John
Ferguson, Sir R.
Ferguson, Robert
Fergusson, rt. hon. C.
Fitzgibbon, hon. B.
Fitzroy, Lord C.
Folkes, Sir W.
Gaskell, Daniel
Grattan, J.
Grey, Sir Geo., Bart.
Grey, hon. Charles
Grote, G.
Guest, J. J.
Hall, B.
Harland, W. Charles
Hastie, A.
Hector, C. J.
Hindley, C.
Hodges, T. L.
Howard, hon. E.
Hume, J.
Hutt, W.
Jervis, John
Lefevre, Charles S.
Lennox, Lord G.
Lennox, Lord A.
Long, Walter
Lushington, Dr. S.
Lushington, Charles
Lynch, A. H. S.
Mackenzie, S.
Macleod, R.
M'Taggart, J.
Marjoribanks, S.
Marshall, William
Marsland, Henry
Maule, hon. Fox
Morrison, J.
Mostyn, hon. E. L.
Murray, rt. hon. J.
Nagle, Sir R.
North, Frederick
O'Brien, Cornelius
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Ferrall, R. M.
Oliphant, Lawrence
O'Loghlen, M.
Oswald, James
Paget, Frederick
Palmer, Gen.
Parker, John
Parnell, Sir H.
Parrott, Jasper.
Pattison, J.
Pechell, Capt. R.
Pendarves, E. W.
Philips, Mark
Philips, G. R.
Potter, R.
Poulter, John Sayer
Power, J.
Pryme, George
Rice, rt. hon. T. S.
Robarts, Abraham W.
Roche, W.
Roebuck, J. A.
Rolfe, Sir M. R.
Rundle, J.
Ruthven, E.
Scholefield, J.
Scott, Sir E. D.
Scot, J. W.
Sharpe, General
Stanley, E. J.
Steuart, R.
Stewart, P. Maxwell
Strutt, Edward
Stuart, Lord James
Stuart, V.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Col.
Thorneley, T.
Trelawney, Sir W.
Troubridge, Sir E. T.
Tulk, C. A.
Turner, Wm.
Villiers, Charles P.
Vivian, Major
Vivian, J. H.
Wakley, T.
Walker, Richard
Wallace, R.
Ward, Henry George
Wason, R.
Wemyss, Capt.
Whalley, Sir S.
White, S.
Wigney, Isaac N.
Wilbraham, G.
Williams, W.
Wood, C.
Wrightson, W.
Wrottesley, Sir J.

TELLERS.

Bannerman, Alex.
Hay, Sir A. L.

List of the Noes.

Alsager, Captain
Attwood, M.
Bailey, J.
Baillie, H. D.
Barclay, David
Baring F.
Baring H. Bingham
Barneby, John
Bateson, Sir R.
Beckett, Sir J.
Bethell, Richard
Bonham, R. Francis
Bradshaw, James
Brownrigg, J. S.
Bruce, C. L. C.
Brudenell, Lord
Buller, Sir J. B. Yarde
Canning, Sir S.
Cartwright, W. R.
Chapman, Aaron
Charlton, E. L.
Chisholm, A.
Clive, Visc.
Conolly, E. M.
Corry, hon. H. T. L.
Darlington, Earl of
Dunbar, George
Egerton, Wm. Tatton.
Egerton, Lord Fran.
Elley, Sir J.
Estcourt, Thos. G. B.
Estcourt, Thos. S. B.
Ferguson, G.
Follett, Sir W. Webb
Forbes, Wm.
Forster, Charles S.
Freemantle, Sir T. W.
Gaskell, J. M.
Gladstone, Thos.
Goulburn, rt. hon. H.
Goulburn, Sergeant
Greisley, Sir R.
Halford, H.
Hamilton, Lord C.
Hardinge, Sir H.
Hardy, J.
Hawes, Benjamin
Hawkins, J. H.
Henniker, Lord
Hill, Sir R. Bart.
Hogg, James Weir
Hoy, J. B.
Hughes, Hughes
Jackson, Sergeant
Jermyn, Earl of
Ingham, R.
Inglis, Sir R. H. Bart.
Jones, W.
Jones, Theobald
Knightley, Sir C.
Lefroy, Anthony
Lefroy, Sergeant
Lincoln, Earl of
Lygon, hon. Col. H.B.
Maclean, Donald
Mahon, Lord
Manners, Lord G.
Meynell, Capt.
Mordaunt, Sir J., Bt.
Mosley, Sir O., Bart.
Packe, C. W.
Parker, M.
Patten, John Wilson
Peel, Sir R., Bart.
Peel, Colonel J.
Pemberton, Thomas
Penruddock, J. H.
Perceval, Col.
Præd, W. M.
Pringle, A.
Rae, Sir Wm., Bart.
Reid, Sir J. Rae
Richards, J.
Ridley, Sir M. W.
Ross, Charles
Rushbrooke, Col.
Ryle, John
Scarlett, hon. R.
Sheppard, T.
Sinclair, Sir George
Smith, J. A.
Somerset, Lord G.
Stanley, Lord
Sturt, Henry Chas.
Thomas, Col.
Trevor, hon. Arthur
Twiss, Horace
Vivian, John Ennis

Wall, C. B.	Young, J.
Walter, John	Young, Sir W.
Weyland, Major	TELLERS.
Williams, Thomas P.	Clerk, Sir G., Bart.
Wortley, hon. J. S.	Gordon, W.

Bill recommitted.

THE CANADAS.] Lord J. Russell having moved the order of the day for the House to resolve itself into a Committee of the whole House on the Factories Act Amendment Bill.

Mr. *Roebuck* rose, in pursuance of his notice, to move, as an amendment, that the House resolve itself into a Committee of the whole House to take into consideration such parts of 31st George 3rd, c. 31, as related to the executive and legislative councils of the Canadas, for the purpose of rendering the same efficient to the good government of those provinces. By the present motion, the hon. Member said, he sought not to excite party feeling; he desired not to impugn the character or conduct of any class of men, but he did intend to impugn the whole system of colonial government. He should be able to show from evidence which it was his intention to submit to the House, that the Colonial Department of that country, as at present constituted, was totally incapable of governing to the satisfaction of those colonists over whom they held sway, and that with regard to Canada, at least, the scheme of administration was with a view to private and partial interests. Before he went further, he begged to state fairly and completely the object he had in view. He sought to obtain for the Canadas what he called a good government. By a good government he meant a government consonant to the feelings of the colonists, and which really and *bonâ fide* had their confidence. Such was their demand—a demand recognized by justice itself, and which this country ought not to refuse. By the statute 31st George 3rd, c. 31, a constitution was given to the province of Quebec, and that province was thereby divided into Upper and Lower Canada. The constitution so conferred was a sort of copy of the constitution of England, the Governor being as the King, the Legislative Council as the House of Lords, and the House of Assembly as the House of Commons, in this country. Now, the object he had in view was to amend the Legislative Council, which was no more like the House of Lords here than the Governor of the colony was like the King of these realms. The members of the Legislative Council, unlike the House of Lords, were poor, unpossessed of wealth or property, having no tenants, and consequently no influence over the people, and were nothing more than a *clique* holding power for their own particular purposes. He said, unlike the House of Lords, because he admitted the House of Lords were wealthy, were landed proprietors, and did possess a great moral influence over a large body of the people of this country. The body he by his motion sought to attack, namely, the Legislative Council of the Canadas, possessed none of these qualities, and therefore in attacking them he hoped not to be supposed to be indirectly attacking any of the institutions of this country. Though the constitution to which he had alluded was given to the Canadians in the year 1791, it was not until 1810 that they were permitted to control their own expenditure, and even when the colonists had asked the permission to do so, three persons were sent to prison for making the demand. They remained there an entire year, merely for asking for the House of Assembly the administration of their own expenditure, and thus obtaining a control over the public servants of the colonists. This demand was refused by the Legislative Council, as was also a request by the House of Assembly to allow the civil list of the colony to be as in this country, permanent during the King's life. On this second refusal the Government of this country interfered, and proposed that the governor, the judges, and the secretary should be so secured as to salaries and retiring pensions. The salaries of the judges were made permanent by the House of Assembly, and the proceeding was approved of by Lord Aylmer, the then governor; but resisted by the Council, of the constitution of which he would leave the House to judge, when he stated that one was a confirmed and notorious drunkard; a second had been denounced even by the right hon. Baronet below him (Sir George Grey), and a third had been proved by documents laid by him (Mr. Roebuck) before the noble Lord now at the head of the Colonial Department to have been guilty of peculations for the last twenty years. A great part of the Legislative Council was also composed of peculators; and the late receiver-general had been guilty of peculations to the tune of 100,000*l.* When the right hon. Baronet opposite came into office it was discovered that something must be done with regard to the Canadas, for the people refused to contribute to the expenses of the Government, unless their grievances were redressed. They demanded an elective Legislative Council, and a responsible Executive Council. The right hon. Baronet accordingly determined to send out a Commission, not merely to inquire, but also to redress; but when he quitted office the functions of the commission were unfortunately limited by the present Ministers to the mere business of inquiry. The only object which the Government could have in instituting an inquiry with respect to matters with which they were well acquainted was to gain time; and it was hoped by delay to obtain all that they wanted—money. Indeed, a distinct proposition was, he understood, made to the House of Assembly to pass by the Legislative Council, and they were told that if they voted the arrears of three years, and agreed to the civil list, those two measures would be accepted by the Government, even though the Legislative Council should resolve to reject them. But Sir F. Head being sent out to Canada, he published his instructions, and the result was that no money was voted. Now, he would ask whether it was proper on the part of the British Government to attempt to get money from the people of Canada by shuffling and underhand proceedings? Was it right in them to try, by concealing their intentions, to cheat the Canadian people into granting what was positively refused, as soon as all the facts of the case were known? The House of Assembly, when the instructions of Sir F. Head were published, immediately resolved not to grant the money which the Government desired; they, however, passed a Money Bill for six months, which was rejected by the Legislative Council; and at the present moment the Government had no money legally at its disposal. What was it, then, that the Government intended to do? Was it intended, as had been not darkly hinted in a speech of the governor, to obtain money by force? If such a step should be taken, the governor, and every person either expending or accepting any portion of the money, would be held personally responsible for the act; and he had good reason for saying that the House of Assembly (no matter how long a period might elapse before they obtained the means of punishing those individuals) would pursue them to the end, and make them refund the money of which they might have obtained possession. Another expedient which had been proposed to enable the Government to get money, was to repeal, by an act of the British Parliament, the laws by which the control of the public money was placed at the disposal of the people of Canada. If such a proceeding were adopted, how long, let him ask, would the British dominion endure there? Just so long as it could be maintained by military force; and no longer. There was only one way to bind the people of Canada permanently to this country, and that was by redressing their manifold grievances. Let the British Parliament do what he demanded—let it alter the constitution of the Legislative Council. What harm could result from the adoption of his proposition? It had been said, that that Council was a means of cementing the union between the colony and the mother country; but the truth was, that all its acts were calculated to irritate the feelings of the people of Canada, and tended to separate the two countries. But by rendering the Legislative Council elective, it would be made acceptable to the people, and its conduct would naturally be such as to conciliate their affections. The objection to this course of proceeding was, that it was American—that it was republican. How puerile was that sort of argument! By what magic was an aristocracy to be formed in Canada? An aristocracy could not be created in a day; it was not to be raised like asparagus; it must be the growth of an age. The aristocracy of England was not an aristocracy of yesterday, but had existed ever since England was a nation; and yet the influence of this ancient aristocracy, so far from extending, was daily diminishing; while the feeling of equality gained ground. If such were the case in this country, was it to be expected that an aristocracy could be maintained in a new nation? The existence of two parties in Canada—the French party and the English party—was put forward as a ground for preserving the Legislative Council, because it was said, that body represented the English party—the French being represented in the House of Assembly; and the application of the elective principle to the Legislative Council would be favourable to the French party, and render it too predominant in the Legislature. He begged the House to consider whether this objection to his proposition was well founded. The number of persons speaking the English language in Lower Canada was 134,000 and odd, and the number of persons speaking the French language, 374,932; so that the English party was about one-third of the amount of the French party. The House of Assembly contained eighty-eight members, sixty-four of whom were said to be of French origin, all the rest being of English origin; so that the English party constituted as nearly as possible one-third of the representation. But then it was said that all those English Members did not vote with the Government. That was undoubtedly the case; and the same complaint was made in Upper Canada, where there were no French, which plainly proved that the demands made by the people of Canada did not proceed from narrow party considerations, but were founded on principle and justice. The fact was, that the Legislative Council was merely the representative of a small clique, the official partisans of the Government, by whom every thing was done to irritate the people. Their religious feelings even were offended. On St. Patrick's-day a letter was issued, signed by the chaplain to the forces, and he believed by a son of the Chief Justice, recommending the Protestants not to go to the churches of the Roman Catholics, even for the purpose of paying their respect, because the Roman Catholics were idolators; and further exhorting them, as they valued the safety of their immortal souls, to take no part in the administration of the service of the Roman Catholics,on that day. Such an address must have been most offensive to the people, for the Canadians were almost all Catholics, and they never called upon the Protestants to contribute towards the expense of their religious establishment. Why, it was alleged on the part of the Church of England that the Roman Catholics of Canada, when they obtained the power they were seeking to obtain, would practise intolerance towards others. But he denied that they would do any such thing. They were endowed with the same spirit of liberality which prevailed throughout the continent on which they lived. There now remained for him to notice only one more objection to his proposition. It was said, that if the Legislative Council was made elective, the Canadian Legislature would immediately seize on all the waste lands. The Canadians contended that those lands were not the property of the Crown, nor of the people of England, but of the Canadian people, and if the lands were properly applied they might be rendered greatly beneficial, not only to Canada, but to this country also. That mischievous rule, however, which prevailed in all the British colonies had sway in Canada, by which the waste lands were only made the means of jobbing and peculation, without conducing at all to the general benefit, but quite the reverse. If the people of Canada were allowed to possess the land, they would make it fertile and a source of wealth to the country. It would afford the people the means of paying the whole civil expenditure of the government, in the same manner as was done in the United States. He solemnly asked the House steadily, calmly, and patiently, to go over the grounds which he had urged upon their attention, before they determined to resist his motion. It was quite clear, in the natural course of things, that the Canadas and England could not remain joined together, as they now were, but for a very small number of years. The only union that would hereafter exist between these countries, would be that arising out of their commercial intercourse with one another. That connexion might be continued; but if England should attempt to continue the union by the present system of rule, it would only be the means of inducing the Canadians to make a comparison between their condition and that of other and neighbouring nations, and of the great benefits derived under the form of government which prevailed in those countries,the result of which would inevitably be, that the connexion between England and her North American colonies would come to a rapid, and, he was afraid, a violent dissolution. The hon. and learned Gentleman concluded by moving as an amendment, "That this House resolve itself into a Committee of the whole House, to take into consideration such parts of the 31st Geo. 3rd., c. 31, as relate to the Executive and Legislative Councils of the Canadas, for the purpose of rendering the same efficient to the good government of those provinces."

Mr. Hume seconded the motion.

Sir *George Grey* admitted, with the hon. and learned Gentleman, the very great importance of the subject brought under the consideration of the House, and he could not help expressing his satisfaction at the tone and temper with which the hon. and learned Gentleman had introduced the subject. It induced him to hope, that in the future discussions which might take place upon this question, a different temper might henceforth prevail, from that which unfortunately had, on former occasions, only tended to exasperate. He hoped that the differences existing between Canada and the mother country would be discussed as they ought to be, as far as possible apart from all angry feeling, and with reference solely to the great interests which were involved in the subject. In the end which the hon. and learned Member proposed to himself, that of establishing good government in the Canadas, he (Sir G. Grey) cordially concurred. But he differed from the hon. and learned Gentleman as to the remedy which he proposed, namely, the revision of the constitutional Act of 1791, and he did not think that such a revision was the remedy which the disease required, or which they could safely apply. Into the argument of the hon. and learned Gentleman as to the constitution of the Legislative Council, he (Sir G. Grey) would not enter, because the hon. and learned Gentleman had never heard from his Majesty's present Government those objections which he stated had been urged by others against the alteration of the constitution of that Council. He (Sir G. Grey) had never urged those objections, nor was he now prepared to urge them. He had not stated that it would be American and Republican, to alter the Council from the form in which it was constructed. He believed that the great object they all had in view was to give a government to those colonies which was suited to the wishes and sentiments of the great body of the people; a government, to use the words of a great man on a former occasion, which would give them nothing to envy, if ever they crossed the boundary that separated them from the United States. The hon. and learned Gentleman had impugned the candour of his Majesty's Government for sending out Commissioners to the Canadas to make a report, and he did so on the ground that the Government were not in want of information to enable them to decide correctly on any of the questions which had arisen in Canada. Looking at the variety of opinions which prevailed, he denied that the Government had the means of ascertaining fully what were the sentiments of all classes of his Majesty's subjects in those colonies when they came into office last year. On that occasion his Majesty's Ministers found that the right hon. Baronet (Sir Robert Peel) had intended to send out a Commissioner to Canada, and they therefore felt it right to adopt the same course. But they conceived that a Commission composed of more than one individual would be more effectual in making those observations on the spot, and obtaining from the people, and especially the members of the House of Assembly, that information which was essentially necessary for the guidance of the Government at home, than if they had confided those duties to one Commissioner. It had been alleged that, whilst the Commission intended to have been sent out by the Government of the right hon. Baronet was authorised not only to inquire, but to act, the present Commissioners had been restricted to the office of inquiring and of reporting to the Government at home. Now, it was quite true that Lord Gosford and his colleagues, as Commissioners, were simply to investigate and to report; but it must be remembered, that Lord Amherst was to have united in himself the office of Commissioner and Governor; whereas the present council, with the exception of Lord Gosford, had no share in the Government, and they could not, therefore, be empowered to act. But Lord Gosford, in his capacity of governor, was empowered to act, and substantially no difference existed as to the extent to which any immediate measures were authorized to be taken by Lord Amherst and Lord Gosford. His instructions were before the House, prescribing to him the course which he was to follow as Governor, whilst in conjunction with his colleagues in the Commission, he was to institute a full inquiry into any allegation of abuse or grievance. It was true that a difference still subsisted between the House of Assembly and the Government; but it was at least satisfactory to know that no imputation of any kind had been cast on the conduct of Lord Gosford, and that it had not been alleged that there was any ground of complaint against the administration of the government in his hands. The Commissioners proceeded to Canada, and in the inquiries which they were directed to prosecute, they were at that moment engaged. But what was the object of the present motion. It was to step in between that inquiry and the Report of the Commissioners; and it called upon that House to make itself at once the medium of settling this question between the Legislative Assembly and the Executive Government, by the interference of the Parliament of

Great Britain. To the fullest extent to which it had been alleged would the Constitutional Act of 1791 be made the subject of inquiry, also the subject of report by the Commissioners, and after the report was received, would it be made the subject of full and careful deliberation on the part of the Government at home. He would reserve his opinion until that report should be received, as to how far it might be necessary to make any alteration in the constitution of the Legislative Council, so that it should be made equally independent of the Government and of the House of Assembly, and should obtain a hold on public opinion. It was impossible, however, to read the debates which took place before the Act of 1791 was passed, without perceiving that the Constitution proposed to the Canadas was to a certain degree considered an experiment; and for himself he could not help expressing his regret that the Act had not at some certain period been revised. Looking at the great alterations that had taken place in the Canadas since the Act of 1791, it was impossible to deny that, at no very remote period an alteration in that Act might be desirable. It was this, among other considerations, that induced the Government to send out a Commission of Inquiry to ascertain what views the people entertained on these questions. It was true that the instructions to Lord Gosford deprecated any change, as one not to be made lightly and without complete proof that it was necessary; and in giving them the Government only acted with that caution which the Government ought to observe on this important question. There was a great distinction between measures which it was in the province of the Executive Government to carry into effect, and a change in the Constitution itself, which could only be effected by the intervention of Parliament. It was the duty of a Government to be slow in adopting a change of this description, and to take care not to outrun public opinion on a question of a doubtful nature, which might involve consequences that had not yet been fully considered. One object of the Commissioners was to ascertain the real feeling of the public on this and other questions. Up to the present period, what reason was there to suppose that there prevailed a very strong desire on the part of the great majority of the inhabitants of Lower Canada for such a change as had been proposed by the hon. and learned Gentleman this night? When was the proposal first made? The House was well aware that a Committee of the House was appointed, in 1828, to inquire into the allegations of several petitions which had then been addressed to the House from large bodies of the inhabitants of Lower Canada. Did any of these petitioners ask for the change now insisted on? On the contrary, the very parties who complained the most of the composition of the Legislative Council, expressly deprecated any change in the Act of 1791. Three gentlemen deputed from the province to support those petitions were examined by the Committee, and not one of them recommended that the Legislative Council should be made elective. The first time that the proposition for such a change was brought forward in the House of Assembly in Lower Canada, was on the 10th of January, 1832. On that occasion, Mr. Bourdage brought forward a string of resolutions on this subject, one of which was, that

> "In order that the composition of the Legislative Council may be in accordance with the true principles of the British Constitution, and with the interests and wants of the inhabitants of this province, as a distinct and independent branch of the Legislature, it would be expedient that the members should be chosen by frequent election, and by rotation, in such manner as to render the said body, as far as possible, independent of the executive power, and of the Assembly."

What was the result? That resolution was negatived on a division by thirty-seven to twenty-two. The first petition received from the House of Assembly on the subject of the Legislative Council in Lower Canada, was on the 20th of March, 1833. Well, scarcely two years had elapsed from that period, before Commissioners were appointed to inquire into the various matters of complaint on the part of the Canadians, especially including this complaint respecting the constitution of the Legislative Council. Could the Government, he would ask, be accused of any great delay in taking up this question? Could they be accused of any desire to stop inquiries, or could they be accused, by negativing the motion of the hon. and learned Member, of withstanding the wishes of the people? What were the views of the hon. and learned Gentleman himself upon this very subject? In May 1835, he addressed a letter to the House of Assembly of Lower Canada, in which he said that the very thing he was now asking for was a delusion.

Mr. *Roebuck* begged to explain. In bringing forward the present motion, he had distinctly stated, that he was only carrying into effect the wishes of the people of Lower Canada. He did not bring it forward as his own proposition.

Sir *George Grey:* Just so. The hon. and learned Gentleman asked that the views of those whom he represented might be carried into effect. He was proposing to the House to adopt a measure which he had himself declared to be a delusion. He would read an extract from the hon. and learned Member's letter, that the House might know what his opinions then were on that point:—

> "I cannot avoid taking advantage of this opportunity of recording solemnly my opinion as to the demands which, as guardians of a whole people, you are bound to insist on. The object you have in view is to frame a government in accordance with the wants and the feelings of that people. In America no government can unite these conditions, but one that is purely democratic. Any pretence by which it is sought to saddle you with any species of aristocracy ought by you to be scouted and repressed. The Legislative Council, from the beginning, has been such a pretence; and your efforts ought never to relax until you have thoroughly rooted out that wretched imitation of a baneful, mischievous institution. All your other grievances spring from this first source; if this source be not drained up the grievances will never cease to exist. Put an end to the Council, and they will, of necessity, expire at once. All other objects ought, therefore, to yield to the paramount one of extirpating the Council. Make it elective if you will—that, however appears to me a clumsy mode of ridding yourselves of the evil. Why, I ask, are not the Assembly and a governor sufficient for the government of the country?"

Now, if that were the object of the hon. and learned Gentleman, to the attainment of such an object he could be no party. To such an object the spirit and principle of the Act of 1791 were directly opposed. He thought it was important to bear in mind what the hon. and learned Gentleman's views were as to the remedy which he proposed to apply, but which he, at the same time, said, he did not think calculated to meet the existing evil. He must say that, looking at the general terms of the instructions addressed to the Commissioners—at the direction given them in the earlier part of those instructions—"to lay before his Majesty a faithful statement of all matters intrusted to their investigation," and of their matured sentiments regarding them—looking at the terms in which they were told, that although their duty, as Commissioners, was exclusively to inquire, to deliberate, and to report, yet within the sphere of that duty they were placed under no restrictions, except such as the necessity of the case or their own judgment might prescribe;—looking at the injunction, calling on them to listen with the most respectful attention to every complaint, including that which had been made with respect to the Legislative Council as well as others; looking at the pledge contained in the instructions, that the Government, when the Report should have been received, would take into its most serious consideration, whether there were any amendments of the law on this subject, which, founded on the principles and conceived in the spirit of the Constitutional Act of 1791, it would be fit to propose for the consideration of Parliament;—looking at these passages, he contended, that there was no ground for the motion of the hon. and learned Gentleman, especially after the tacit acquiescence of the House last Session, in the course adopted by the Government in the appointment of the Commission. The hon. and learned Gentleman had alleged no reason why the House ought to interfere, nor had he advanced any ground to justify the House in pledging itself to those alterations, with respect to the Legislative Council, which the hon. and learned Gentleman had suggested. As to the Executive Council, the hon. and learned Gentleman had not said much; nor throughout the ninety-two Resolutions which were adopted two years ago by the House of Assembly, in Lower Canada, was there a word of complaint respecting that Council. On this subject, however, also, the instructions were sufficiently ample. To any proposal, of which it was the professed object to render the Executive Council a more effective instrument of good government, the Commissioners were to give their attention. The hon. and learned Gentleman had asked, what in the present position of affairs, his Majesty's Government meant to propose? He said—"Do you mean to seize on the moneys, which are subject to the approbation and control of the House of Assembly, in order to pay the officers, without the authority of that House?" If the hon. and learned Member alluded to the course formerly pursued by Lord Dalhousie, his answer was—certainly not. But if the hon. and learned Member would look at the instructions, he would see that, in the event of a refusal of the necessary supplies, Lord Gosford was distinctly authorized to apply the local resources arising from the revenues of the Crown, and over which the Crown had exercised an absolute right of appropriation during the whole period that Canada had been a part of the dominions of the British Crown, towards the expenses of the judicial and other civil establishments in the colony. It was quite true that Lord Gosford was authorized to state to the House of Assembly that those funds would be placed at their disposal, and be subjected to their appropriation, on provision being made for the public service; and it was not until every attempt to obtain such a provision should have failed, that he was instructed to make this appropriation of those funds. He hoped that Lord Gosford had already acted on that authority, and with this assurance the Government did not feel, that at the present moment there existed a pressing necessity to have recourse to any of those measures to which the hon. and learned Member had adverted, and to which he hoped it might not be necessary, at any time, to resort. If, however, at a future period it should appear that the Government had acted fairly and justly towards the people of Canada, and yet had not succeeded in removing the difficulties which existed in carrying on the government of that country, it would not shrink from applying to Parliament, if necessary, to enable it to take such measures as might be required for the future administration of the colony. What those measures might be it was not for him to state; but until the House of Assembly should have received an answer to their address to their Sovereign, and should have had an opportunity of reconsidering their late decision, he would not abandon the hope that they would adopt a different course. The hon. Gentleman had said, that the Government had endeavoured to cajole the House of Assembly into granting the supplies before the instructions to the Commissioners were made known. He was accustomed to hear charges of this kind from the hon. Member, and he was sure he need not seriously refute the present charge. What possible object could the Government have, even had they been capable of such conduct, in cajoling the House of Assembly, by concealing the instructions with the certainty of a renewal of the difficulties and embarrassments in the following Session. Lord Gosford, following the ordinary course, addressed a speech to the House of Assembly, conceived in the spirit of those instructions, and containing nothing inconsistent with them. He certainly felt there might have been an advantage in the whole of the instructions being at once made known, as it would have prevented the impression unfortunately produced by the subsequent publication of detached passages of these instructions which found their way to the Assembly from the Upper Province. Those detached passages, and the mode in which they were submitted to the Assembly, might naturally excite some distrust, but he was confident that when the House of Assembly should have been placed in possession of the whole of the instructions, the jealousy and suspicion which they had unhappily evinced would be removed, and they would feel that they were not justified in withholding their confidence from a Government disposed to remedy every real abuse, and to redress every real grievance. The hon. and learned Member had taken some credit to himself for having on a former occasion predicted that the state of affairs in the Canadas would be precisely what they had now become. Some predictions tended to their own fulfilment. He did not say, that the hon. and learned Member's were so intended; and he might add, that he did not think the hon. Member would have recommended the exercise of the privilege of the House of Assembly to stop the supplies under the circumstances in which they had been stopped. He respected the privileges of the people as much as any man, and he was fully ready to assert the right of the representatives of the people to withhold the supplies on a sufficient occasion; but nothing was more calculated to blunt the edge of this constitutional weapon, and to bring the exercise of this right into discredit, than the use of it at the very moment when the Government had instituted a full inquiry into every alleged grievance, — he did not say with any pledge to grant all that was sought;—but pledged to remove whatever could be proved to be a just cause of complaint. The hon. Gentleman had adduced the case of Mr. Fulton as a proof of misgovernment on the part of the colonial department. This he could not admit; for what had been the course adopted with reference to Mr. Fulton? By the paper lately presented to the House on this subject, it appeared that the attention of the noble Lord opposite, then Secretary of State for the Colonies, was called to the excessive grants of land made to Mr. Fulton, upon which he immediately directed an inquiry to be instituted into the case. This was followed up by his right hon. Friend, now Chancellor of the Exchequer; and as it did not appear how far his instructions had been acted on, a despatch was addressed by Lord Glenelg to Lord Gosford, calling for full information as to the steps which had been taken. Another charge had subsequently been made against Mr. Fulton, of a very serious description; but this had only recently been communicated to the Government by the hon. Member for Bath, who placed in his hands a copy of a Report of a Committee of the House of Assembly before whom this charge was investigated. That Committee only made their Report in March last; and no sooner were the contents of that Report brought under the notice of Government, than instructions were sent to Lord Gosford to call on Mr. Fulton for such explanations as he might be willing or desirous to afford, and to take those steps which the case might require, if the explanation should be unsatisfactory. It did not appear from the Report, or from the evidence, that Mr. Fulton had been a party to the inquiry, or had had an opportunity of making a defence; and, under these circumstances, the only course consistent with justice—and he was sure the hon. Member would not desire any other—was adopted, that of affording him the opportunity before his guilt was assumed, and his removal directed, of making a defence. He had now adverted to the various topics of the speech of the hon. and learned Member. He had stated sufficient grounds for the rejection of the hon. Member's motion—a motion which according to his own admission, would not provide an adequate remedy for the evils of which the hon. Member complained. At the same time he could assure the hon. Member and the House, that the Government was not disposed to look at this subject with any narrow views of selfish policy. Enjoying a free constitution ourselves, it was alike our duty and our interest to impart to our colonies that form of government which would be the most advantageous to them, and to adopt towards them that course of conduct which would bind them to us by ties of friendship which, founded on a mutual interest, as well as on a sound policy, ought to be, and he trusted would be, permanent and indissoluble. In the loyalty of the great body of the inhabitants of those colonies—in their attachment to this country, and to the British institutions,—the Government had the fullest confidence; and animated with this conviction, would not shrink, when the proper time should arrive, from proposing those measures which might appear necessary to forward the permanent advantage and the real interests of all classes of our fellow-subjects residing in them.

Mr. *Robinson* could not but express his surprise at the proposition of the hon. Member for Bath. The hon. Gentleman, in the course of his speech, had talked of his predictions with respect to the present state of Canada; but some of his predictions on a former occasion did not turn out to have been made in the true spirit of prophecy. The hon. Member had predicted that the people of Canada would be opposed to the timber duties, but the proposition to change those duties had been negatived by the House of Assembly of Lower Canada. The hon. Member had spoken, in what he considered his official character, as the representative of the opinions of the people of Lower Canada. He denied, that the hon. and learned Member for Bath could be considered as the representative of the people of Lower Canada. He was merely the representative of the Papineau party. He (Mr. Robinson), as an individual in some degree connected with the Canadas, and deeply interested in their welfare and prosperity, had no hesitation in expressing his firm conviction, that from the moment the people of Lower Canada gained an elective legislative body might be dated the loss of the colony. He was convinced that from that moment the English settlers would consider themselves abandoned by the mother country. The question was discussed in the year 1791, when a constitution was given to Lower Canada, and though Mr. Fox expressed his individual opinion in favour of it, it should not be forgotten that he stated, in the most emphatic terms, that he considered it essentially necessary that in every part of the British dominions an aristocratic principle, analogous to the establishment of a House of Peers in this country, should form a part of the constitution. This opinion was also ably and emphatically stated by Mr. Burke. At the same time, there could be no doubt that if the Elective Council did not sufficiently harmonize with the popular assembly, it was the duty of the Government to endeavour to render it more conformable to its feelings and opinions. Mr. Papineau and his party, in their speeches, and in the papers which were their organs, expressed themselves decidedly hostile to the colonization of British subjects, lest they should overpower the preponderating influence of the Canadians. He did not blame them for endeavouring to maintain their own nationality, and their own interests; but, having conquered that colony, were the people of Great Britain to deal with it only in reference to the Canadian people and their interests? Why call themselves exclusively Canadians, as if they wished to be considered a distinct people? He contended, that at the conquest of Canada in 1761, it was made a part of the British family, and ought now to be considered as much so as any other part of his Majesty's dominions. The Canadians now enjoyed far greater advantages than they could enjoy if they formed a branch of the United States of America. Let this country redress their grievances, but never yield to menace. The hon. Gentleman, the Secretary for the colonies, seemed to have left it a matter of doubt whether or not the Government of this country was prepared at some future time to concur in organic changes in the constitution of Canada. It was not quite fair to leave so important a point in any doubt. He did not mean to say, that Government intended to deceive the people of Canada, but they had a right to know whether the instructions of Lord Gosford had any reference to the question of an Elective Council. The supplies were not yet voted, and it so continued for six months. The consequence was, that Lord Gosford was obliged to have recourse to other public money. There was one most monstrous, untenable, and objectionable claim of the Canadians, to which the hon. and learned Member had not adverted— he meant their claim to exclusive power over the Crown lands. Now he (Mr. Robinson) belonged to a Company from which the Government had received a considerable amount, who had expended large sums on the improvement of Crown lands in Canada. If the House of Assembly obtained the exclusive control over these lands, what would be the result? Their first act would be an attempt to prevent the settlement of British subjects. He should vote with Government in opposing these claims, as he never could sanction such an assumption of unconstitutional control of power by the Canadians in right of their being the original settlers, whilst he recollected they had become subject to this country by right of conquest. He could not help regretting the distracted state of affairs there, and the reiteration of complaints at a moment when inquiry was going on, and the appeal ought to be made, not to that House, but to his Majesty's Commissioners. He hoped Government would in this case act with decision and firmness. Much depended on the report of the Commission as to the remedy that ought to be applied in so distressing and embarrassing a state of society. The measures of redress resorted to by Government should be calmly proportioned to the actual state of facts, as proved before that Commission, and if his Majesty's Ministers adopted that course, and did not suffer themselves to be influenced by clamour or party heat, they might yet render the Canadas one of the most important and valuable appendages of the British Crown.

Mr. *Hume* thought, if the differences with Canada were not brought to a successful termination it would be owing to speeches like that of the hon. Member for Worcester. He must, however, express his great satisfaction with the course pursued by the hon. Baronet (Sir George Grey) who had preceded the hon. Member for Worcester. He had merely asked the House not to arrive at a decision upon the subject until the report of the Commission had been made, and he had laid considerable stress on his readiness to give the Canadians as great a share of self-government as could safely be intrusted to them. The hon. Member for Worcester had talked of Papineau and his party. What did the hon. Member suppose their influence to be? The influence of Papineau and his party in Canada, was the influence of Mr. O'Connell, and his party in Ireland. Three fourths of the eighty-eight representatives in the House of Assembly were returned by the French people; and they had, in opposition to the wishes of the Governor, elected him to the office of Speaker again and again, to testify the confidence they reposed in him. Did the hon. Member for Worcester suppose, that speaking of Mr. Papineau in the contemptuous tone he had adopted, was the way to soften down these animosities? He thought that the conduct of the hon. Member for Worcester clearly showed that he was not anxious, like his Majesty's Government, to set the differences at rest. The hon. Member was completely mistaken as to the views of the Canadians. He had asserted that the hon.

and learned Member for Bath was not authorised, in many of his proceedings, by the proper authorities in Canada. Now, he (Mr. Hume) would refer the hon. Member to one of the recent resolutions of the House of Assembly in Lower Canada, in which it was stated that Mr. Roebuck was authorised in all that he had done and said in the House of Commons with reference to that colony and that Assembly. He was of opinion, that if the recommendations of the hon. Member were attended to, that there was little hope of peace in Canada. If the complaints which had been made so far back as 1828 had been then attended to, they would not have heard many demands which had since been made, and which had been going on increasing year by year. The House of Assembly in Lower Canada had made use of their last resource to obtain justice, namely, in refusing for the fourth time the supplies. He contended that the people of Canada had proceeded with great forbearance, considering the gross treatment they had experienced from various Colonial Secretaries. It now appeared that Upper Canada, New Brunswick, and Nova Scotia, were united with Lower Canada in demanding from this country a greater share in the local governments, and it was more than folly to continue to procrastinate the redress of notorious grievances. He was satisfied, that Lord Gosford might have made his report long before the present time ; and surely justice was not to be withheld because this had not been done. Were the people of Canada to be treated as had been suggested by the hon. Member for Worcester, as a conquered people ? The time had long gone by when such language could be used with impunity ; and he was sure that the knowledge that it had been uttered in the House of Commons would only tend to prevent peace being restored. The people of Canada would have been less than men if they had patiently submitted to the treatment they had experienced. He had heard with much satisfaction many of the observations of the hon. Baronet the Under-Secretary for the Colonies ; and he trusted after what had been said, that it was not the intention of the Government longer to procrastinate. A little had certainly been done, but not by any means sufficient to meet the just demands of the people. If his hon. Friend divided the House, he should feel himself bound to vote for the motion, as the demands for justice by the Canadians had for so long a period been delayed ; but after the opinion and sentiments that had been expressed by the hon. Baronet on behalf of his Majesty's Government, he would put it to his hon. Friend whether there was not a reasonable promise of Government dealing fairly with the grievances of Canada, and doing justice to the inhabitants of that colony.

Mr. *Roebuck* said, that it was true that a Commission had been sent out to Canada by the Government, but it had failed in the object for which it was sent. As, therefore, he saw an end of the Commission, he thought that he was only acting with fairness, in at once demanding of the Government and the House to adopt steps to afford a redress of grievances. He saw no reason why it was necessary to wait longer for the Government to bring forward measures for that purpose. As, however, promises had been made by the hon. Baronet on behalf of the Government, he felt that he must yield, and withdraw his motion. But he could not help telling the Government, that if they persisted in going on in the course that had hitherto been pursued, they would involve themselves in irreparable difficulties. Before he sat down, he felt bound to allude to something that had fallen from the hon. Member for Worcester. He hoped that the hon. Member was prepared to show on what authority he had given utterance to the language he had used. The hon. Member for Worcester had declared that the Canadian party had declared themselves hostile to the emigration of English settlers to Lower Canada, and this because it would strengthen the British connexion. He should like to know where the hon. Member got his information, for it was distinctly false. He hoped the hon. Member could give some definite information on the subject. He had been taunted, in consequence of the office he held in connection with Canada. He accepted that office because he thought that by means of it he could be serviceable as well to his own country as to the colony. He had not asked for this situation, but it had been voluntarily offered to him, and he appeared there in a character which few Members could boast, namely, as the representative of 400,000 persons. With respect to the motion, he would only add, that he had brought forward the subject, because he felt that the consideration of it could not safely be postponed, which, indeed, was admitted on all sides.

Mr. *Robinson* observed, that the hon.

Member had asked for his authority for stating that Mr. Papineau and his party were opposed to British settlers in Canada. In reply, he would refer to the address of the House of Assembly of Lower Canada to Lord Gosford, in which they requested him to withhold from the British Land Company, formed to encourage emigration from England, his countenance, and not to make any further grants of land to that body.

Sir *John Hanmer* rose, in consequence of an observation that had fallen from the hon. and learned Member for Bath. He stood there as an independent Member, anxious to preserve the dignity and respectability of Parliament, and when he looked at that Chair, and thought of the recollections which it called up, he felt proud to say, that he had a hereditary right to take care of its dignity. He held, that it was contrary to the Constitution, and to the privileges of that House, for a Member of the House of Commons to receive pay from any portion of His Majesty's subjects, in consideration of any particular duty which he might undertake. There was an instance in which a Member of that House (Sir John Trevor) had received a sum of 1,000*l.* from the City of London, to advocate a particular Bill, in which it was interested; but that any hon. Member should receive a yearly sum from any colony in the possession of the British Crown, he thought even more derogatory to the character of a Member of Parliament.

Mr. *Warburton* observed, that his hon. and learned Friend appeared as the representative or agent of the House of Assembly of Canada; and other hon. Members had also appeared in that House in the same capacity. If the hon. Baronet intended to make an attack on this point on his hon. and learned Friend, the Member for Bath, he should bring forward a motion on the subject, when the hon. and learned Member for Bath would be enabled to reply to him. If the hon. Baronet would deliberately bring forward his motion, he would find that a great many Members of Parliament had acted as agents for colonies, and had received payment, and their conduct had never been questioned on the subject.

Mr. *Roebuck* said, that he was fully prepared at once to answer the hon. Member. He could refer to the case of Mr. Huskisson, who accepted the office of agent for Ceylon, with a salary. The subject was brought before the House, and a Committee was appointed to inquire into the matter. The Committee after investigating the subject, reported to the House that Mr. Huskisson was free from all blame in the proceeding. Again, Mr. Burge, the agent for Jamaica, was a Member of Parliament, and Mr. Patrick Stewart was now a Member of the House.

Sir *John Hanmer* did not intend to make any personal charge against the hon. Member, but he thought the subject was one which should be brought under the notice of Parliament. He would not shrink from doing so; for if it was a practice that Members of Parliament were in the habit of receiving money in this way, it was time it should be put a stop to.

Sir *Robert Peel* said, that the conditions on which the motion appeared to have been withdrawn, imposed on him the necessity of saying a few words, not upon the general question, but upon the position in which the immediate question under consideration was left. It was not his intention to detain the House long, and he would merely observe in reference to the motion, that he thought, that with the views entertained by the hon. Member, he had acted wisely in withdrawing it; but the hon. Member had withdrawn it upon grounds which were calculated, in his opinion, to excite expectations on the part of the people of Canada which, if not realized, would leave this question in a worse position than formerly. The hon. and learned Gentleman did not bring forward a question relative to the general state of Canada, but had given notice of a distinct proposition—that the House should resolve itself into a Committee of the whole House, to take into consideration such parts of 31st George 3rd, c. 31, as relate to the Executive and Legislative Councils of the Canadas, for the purpose of rendering the same efficient to the good government of those provinces. The immediate question brought under discussion by the hon. Gentleman was, in point of fact, the substitution of an elective council for a legislative council appointed by the Crown. He had come there prepared to give his negative to that proposition. The hon. Gentleman had withdrawn it in consequence of the speech of the hon. Baronet, the Under-Secretary for the Colonies, on the ground, he presumed, that expectations were held out that this question of a material change in the Executive Council, and in its constitution, would occupy the attention of the Commission. That, he apprehended, must have been the understanding of the hon. Member when he withdrew his motion. He (Sir R. Peel) begged to say for himself, lest by silence he might seem to acquiesce in a different construction, that he was not a party, as an individual Member of that House, to this compact. He did not question the prudence of the hon. Gentleman in withdrawing the motion, but he thought that that proceeding, after the explanation which had been given by him, was calculated to raise expectations in the minds of the people of Canada, that the subject he had referred to was under the consideration of the Government. [Mr. *Roebuck:* It was stated in the instructions that it was so.] He admitted it was mentioned; but in what manner? Lord Glenelg in them said, "That the King was most unwilling to admit as a matter of deliberation, the question whether one of the vital principles of provincial government should undergo alteration." It was also stated—"that the solemn pledges so repeatedly given for the maintenance of that system, and the just support which it derived from constitutional usages and analogies, were alike opposed to such innovation, and might almost seem to preclude the discussion of it." Could a Minister of State be conceived to give a stronger opinion as to the inexpediency of any proposed measure, and as to the absence of any argument that might be deduced in support of it from constitutional usages and analogies? Lord Glenelg also said, "It must be recollected that the form of provincial constitution in question is no modern experiment nor plan of government, in favour of which nothing better than doubtful theory can be urged. A council nominated by the King, and possessing a co-ordinate right of legislation with the representatives of the people, is an invariable part of the British colonial constitution in all the transatlantic possessions of the Crown, with the exception of those which still remain liable to the legislative authority of the King in Council. In some of these colonies it has existed for nearly two centuries. Before the recognition of the United States as an independent nation, it prevailed over every part of the British possessions in the North American continent not comprised within the limits of colonies founded by charters, of incorporation. The considerations ought indeed to be weighty which should induce a departure from a system recommended by so long and successful a course of historical precedent." Justified, therefore, by these reasons, he was prepared to oppose any serious change in the form of government in the colony; and if it were necessary, he would add, that it would be better for the Ministers to make up their minds to the change, and take it into their own hands, than to leave the matter open for discussion, as it would be if the motion were withdrawn under an impression that the question was under consideration. He should be very sorry to say one word on the merit of the question. He should wish to consider the hon. Gentleman as being in the position of any hon. Member who had made an original motion and withdrawn it, after exercising his right of reply. Cautiously avoiding, therefore, the discussion of the principle of the subject, he must yet be careful not to acquiesce, by silence, in the grounds on which the hon. Member had thought proper to withdraw his motion. Lord Glenelg stated, in the instructions which he had addressed to the Commission, in the sixty-seventh paragraph, that a disposition existed on the part of his Majesty "not to refuse those who advocate such extensive alterations an opportunity of proving the existence of the grievances to which so much prominency has been given." What he feared was, that the necessity for change was a matter that is wholly incapable of demonstration. But suppose they should say that they were ready to correct all past abuses by the adoption of a new and improved system in future, would not that be an answer to the demand made upon the Legislature? It might be easy enough to establish the existence of abuse; but as to the proof necessary to show what would be the best form of government in the colonies, that was a question which it would be utterly impossible to submit to any test which would lead to a satisfactory result. After all the experiments they could try, they would find that the opinions of men remained unchanged as to the wisdom of their own particular theories, and although they might have abundance of allegations of specific grievance, still they would not bring home to the breast of any one the conviction that his particular notions with respect to the form of government which ought to be established, were founded in error. If, however, the Ministers purposed to make a change in the constitution of the government of those colonies, he hoped that they would bring their proposition forward with as little delay as possible, because, if it were not their intention to take that course, if they meant to preserve that "vital principle" in our colonial governments, which they said was sanctioned by long and "constitutional usage and analogy," he must express it as his opinion that they had better at once avow what they really intended, and by that means prevent any party from cherishing false expectations — expectations which, if permitted to exist without the voice of a single independent Member of this House being raised against them, were calculated only to embroil still more the unfortunate affairs of the Canadas.

Lord *John Russell* said, that the right hon. Gentleman had certainly taken a somewhat unusual course; and he could not but think, that if the right hon. Baronet had been in the House during the whole of the speech of the hon. Baronet, the Under-Secretary for the Colonies, he would have seen that there was sufficient cause to come to the determination which his hon. Friend had recommended, and would have seen no necessity for entering, as it were, a sort of protest against the course which the House was about to adopt. For all the sentiments expressed by his hon. Friend, the Under-Secretary for the Colonies, both he and the rest of his colleagues were perfectly ready to be responsible. With respect to the opinions of the hon. Member for Bath, to which the right hon. Baronet had alluded, Ministers had nothing to do; and they were in no way responsible for his expectations, unless they had given him reason to suppose they were about to bring forward a question which they did not mean to consider, or had held out hopes which it was not their intention to realise. The right hon. Baronet could have found nothing in his hon. Friend's speech which could justify such expectations. His hon. Friend had merely stated, that after having sent out Commissioners to inquire into the grievances of Canada, it would be but just and fitting to consult their opinion. It would not be right before the Commissioners had stated their opinion, either for the Government or for the House of Commons to come to any absolute and final decision upon the subject. As the right hon. Baronet had availed himself of extracts from the instructions to the Commissioners, he might be allowed to quote a portion which the right hon. Baronet had omitted. The paragraphs stated by the right hon. Baronet were the 66th and 69th, and the right hon. Baronet had omitted to notice the two intervening paragraphs, though they referred to the question. The right hon. Baronet had correctly described the 66th paragraph, as stating that "the King is most unwilling to admit, as open to debate, the question whether one of the vital principles of the provincial Government shall undergo alteration." But the 67th paragraph went on to say,

> "But his Majesty cannot forget that it is the admitted right of all his subjects to prefer to him, as King of these realms, their petitions for the redress of any real or supposed grievances. His Majesty especially recognises this right in those who are themselves called to the high office of representing a large and most important class of his people. The acknowledgment of that right appears to the King to imply on his own part, the corresponding duty of investigating the foundations of every such complaint. His Majesty, therefore, will not absolutely close the avenue to inquiry, even on a question respecting which he is bound to declare, that he can for the present perceive no reasonable ground of doubt. His Majesty will not refuse to those who advocate such extensive alterations, an opportunity of proving the existence of the grievances to which so much prominency has been given."

The next clause to this, the 68th, was also a very important one, though the right hon Baronet had not mentioned it; but it was material that the House should have it before them. When they were considering whether or not a people were justified in asking for some changes in a constitution, it was of some consequence to remember how long it had been in existence, and to notice what had been its effects. The 68th paragraph ran thus:—

> "The King is rather induced to adopt this course, because his Majesty is not prepared to deny that a Statute which has been in effective operation for something less than forty-three years may be capable of improvement, or that the plan upon which the Legislative Council is constituted, may possibly, in some particulars, be usefully modified; or that, in the course of those years, some practical errors may have been committed by the Council, against the repetition of which adequate security ought to be taken. Yet, if these suppositions should be completely verified, it would yet remain to be shown, by the most conclusive and circumstantial proof, that it is necessary to advance to a change so vital as that which is demanded by the House of Assembly."

Again, in the 71st paragraph, the instructions ran thus:—

> "You will, therefore, apply yourselves to the investigation of this part of the general subject, endeavouring to ascertain how far the Legislative Council has really answered the original objects of its institution; and considering of what amendments it may be susceptible. It is his Majesty's most earnest hope and trust, that in the practical working of the constitution of the province, there will be found to exist no defects which may not be removed by a judicious exercise of those powers which belong to the Crown, or which Parliament has committed to the provincial Legislature."

Such were the instructions given to the Commissioners on the subject of the Legislative Council, and he could not but think that the sense of these instructions was conformable to the course which Government ought to have pursued on a subject of such importance, when a complaint was made by those who represented the people of Canada. It was the duty of the Ministers of the Crown to advise his Majesty that the remodelling of the Legislative Council was not a subject which the Commissioners were precluded from inquiring into, but that to deal with it required the greatest caution. Such a state of things required great circumspection, and it was the duty of the House rather to abate zeal than to urge it forward in matters of such considerable importance concerning a distant colony; but he thought that, after all the considerations which he had stated, it was not less the policy than the duty of Ministers to advise his Majesty that this subject was one the Commissioners ought not to exclude from their inquiry; and having given the Commissioners instructions to that effect, it was not unnatural to call upon them to report to the Government at home the bias of their opinions and the result of their investigation. The question having been brought forward in its present state by the hon. and learned Member for Bath, his hon. Friend, the Under-Secretary for the Colonies, had no other answer to give but this—that the Commissioners of Inquiry, if they found any defects in the constitution of the Legislative Council, and any practical remedies for those defects, would report their opinions thereon to the Crown, and that it was therefore not advisable for the House of Commons, before such a Report was made, to adopt a course which might pledge them to do something directly in the teeth of that Report, whenever it might be presented to Parliament. There was no part of this question, as it appeared to him, which called for any opinion from the House at present. For his own part, he should require the fullest proof, and the most cordial agreement, on the part of the Commissioners, to convince him that so vital a change was really required. But let not the right hon. Baronet deceive either himself or the House. These complaints against the Legislative Council were not confined to the House of Assembly, they came also from the settlers of English descent in Canada, as he had found by reading over their petitions. Those English settlers did not say, "All persons in Canada look up to this Council with respect and satisfaction." On the contrary, they spoke of the difficulties which must always attend upon the selection of its members by the colonial Governor. They said, "The power of selecting members of the Council, which has been exercised by successive Governors without advice or control in the colony, is in our opinion a most dangerous power." Such, then, being the statement not only on the part of the House of Assembly, but also on the part of a Committee acting on behalf of individuals entertaining very different opinions, it might fairly become a question whether the Parliament ought not to take measures to strengthen the Legislative Council, and to enable it to command more of the respect and goodwill of the province than it commanded at present. ["*Hear, hear!*"] He was glad that the right hon. Gentleman opposite did not deny that proposition. Going, however, that length, it was nevertheless necessary for the House to suspend its judgment for a time, and to wait for the results of further inquiries. With regard to this question, he could assure the hon. and learned Member for Bath, that his Majesty's Government had no wish to bear unfairly on any part of the subjects of his Majesty in that colony. They did not wish to deny redress to any grievance of which the colonists had just right to complain, and being anxious, as they were, to investigate into every source of complaint, they hoped to find in the colony a disposition to a certain extent to meet them in a fair spirit, and a discontinuance of that endeavour to keep up irritation in the province, which must ultimately prove more mischievous to the province itself than it could, by any possibility, prove to the empire of Great Britain. The Ministers wished the question to be left to the Commissioners, guided by the instructions he had quoted. All parties must, he thought, feel that this question was one which ought on no account to be taken up with heat or in the spirit of party, lest calm inquiry and candid examination should be overwhelmed, and the unfortunate differences between the colony and the mother country be continued and extended.

Mr. Roebuck's motion was withdrawn.

The Order of the Day was read for a Committee of Supply, but the Committee was postponed.

HOUSE OF LORDS,

Tuesday, May 17, 1836.

MINUTES.] Bills. Read a third time:—Beneficcs Plurality; and Clergyman's Residence; Alien's Registration.

Petitions presented. By Lord DUNDAS, from Kirkwall, for the Protection of British Herring Fisheries.—By the Bishop of EXETER, from Grimston, for the Alteration in Ecclesiastical Courts' Consolidating Bill as relates to the Probate of Wills.—By several NOBLE LORDS, from various Places, for the Better Observance of the Sabbath.

THE GOVERNMENT OF IRELAND.] The Marquess of *Londonderry* rose to present a Petition from certain inhabitants of Belfast, in Ireland, praying the House to take into their consideration the penal laws of the realm, with a view to the speedy abolition of the punishment of death, except in cases of murder. The petition was signed by several very respectable inhabitants of Belfast, but certainly did not contain the sentiments of the majority of that body. As, however, the noble Earl at the head of the Irish Government had very lately sojourned for a time among the petitioners, perhaps he would be able to give the House some more information respecting them. He confessed it appeared to him most extraordinary that, being aware it was that noble Lord's intention to abandon for a time his duties in Ireland for the purpose of attending those attached to his Parliamentary capacity, the petitioners had not intrusted him with their petition for presentation. Indeed, it so happened (and the circumstance tended in no small degree to increase his surprise) that one of the most prominent of the petitioners was an individual named Finley, the editor of the *Northern Whig* newspaper, who was reported to have been on terms of most familiar intercourse with the noble Earl during his northern tour, and to have supplied him with a great portion of the information he derived as to the state of parties in that district of the country. Whether this was the case or not, he, of course, did not mean to inquire; but there was a matter in connexion with this Mr. Finley upon which he was desirous of obtaining some intelligence. It was very generally reported that this gentleman, who, as well in his capacity of private individual as in that of editor of the *Northern Whig*, had done more to keep up excitement and political agitation in the north of Ireland than any thousand other individuals in the kingdom, was about to reap the reward of his labour in an appointment to the Stamp-office, on the direct nomination of the noble Earl. This report he gave as he heard it, and he should feel much obliged by the noble Earl's informing him as to its correctness.

Earl *Mulgrave* had been for some time past waiting for an opportunity of asking the noble Marquess who had just addressed the House for an explanation of some statements he had thought proper to make in his absence respecting his conduct while representing his Majesty in Ireland. That opportunity he expected to meet with in the discussion which was likely to ensue upon the presentation of the petition announced by the noble Earl (Winchilsea) for that evening; and until the proper time arrived, he would content himself with replying to the question now put to him respecting Mr. Finley. He certainly could not compliment the noble Marquess on the important nature of his first accusation against him, if the present was to be so considered. Mr. Finley he might have seen during his visits to the north of Ireland, but most certainly he had not the honour of being an intimate acquaintance of his. Of course, in saying this, he did not mean to express the smallest doubt as to Mr. Finley's being a most respectable individual. Then, as to the peculiar question which the noble Marquess had put to him, he had only to say that he was not going to give Mr. Finley the place alluded to. He was not going to give him the place for this reason—it was a sufficient reason he was sure the House would agree with him in thinking, though if others were necessary he doubted not they could be given—the place was not in his gift.

The Marquess of *Londonderry* would undoubtedly avail himself of the opportunity that would be afforded by his noble Friend's presenting the petition of which he had given notice, to state what were the grounds on which he arrived at the conclusion that no confidence could be placed in the noble Earl's administration. He might not be able to prove specific charges of maladministration at the Bar of the House; but to do that was not necessary to justify his assertion. From first to last, the conduct of the noble Earl and his associates in the Irish Government was calculated to turn against them the opinions of the most orderly and well-conducted of his Majesty's subjects. In the statement, however, which he should have to make, he begged it might be understood that it should be to the noble Earl's public character and conduct alone he should address himself, and that nothing could be further from his wish or intentions than to state anything which might appear offensive to him in his private and individual capacity.

Earl *Mulgrave* would be quite ready, at any time the noble Marquess might call upon him, with perfect temper, and with a due recollection of the ancient intimacy which had subsisted between them, to defend his conduct from any charge that should be brought forward. He had some reason to complain of a want of courtesy on the part of the noble Marquess, in not giving him any intimation of the general attack which it appeared was to be made upon his administration; but as he was perfectly ready, on even the shortest notice, to explain the nature of the policy he had pursued during his sojourn in Ireland, he should not think of doing so. The noble Marquess brought forward as a prominent charge the case of Mr. Gore Jones, and put a question to his noble Friend, the noble Viscount, at the head of his Majesty's Government on that subject. His noble Friend stated he had no knowledge of the facts of the case of Mr. Gore Jones, and the noble Marquess then withdrew the notice he had given. He thought, in common courtesy, the noble Marquess ought not to have brought forward that subject as a matter of charge against him, without giving him notice of his intention to do so.

The Marquess of *Londonderry* begged leave to say with regard to the case of Mr. Gore Jones, that when he withdrew his notice of motion upon it, he stated his reason for that course to be, because it was about to be brought forward more efficiently in another place. That gentleman had grossly insulted the magistrates of Londonderry, and yet he had seen a letter in the handwriting of Mr. Drummond, the Lord-Lieutenant's Secretary appointing Mr. Gore Jones a magistrate in another county.

Petition to lie on the Table.

CANADA.] The Earl of *Aberdeen* said, that before the appointed business of the evening commenced, he wished to correct a statement that had gone abroad, and which, if not contradicted, might lead to a misunderstanding of considerable importance in regard to the colony of Canada. He alluded to some observations alleged to have been made in the other House of Parliament by the hon. Baronet, the Under-Secretary for the Colonies. The subject under discussion in the other House last night, had reference to the Legislative Council of Lower Canada, and he found it stated in the public journals that the hon. Baronet to whom he referred, had declared that the instructions delivered by the present Government to Lord Gosford, a copy of which was then on the Table of the House of Commons, in no respect differed from those given by the late Government to Lord Amherst. Now, without meaning to deny that the spirit of the instructions to Lord Gosford were generally conformable to those sent out to Lord Amherst, and that in some specific instances they were identically the same, to the assertion of the hon. Baronet, as it applied to the Legislative Council of Lower Canada, he must oppose the most unqualified and direct contradiction.

Lord *Glenelg* felt bound to admit, that upon the point alluded to there was a clear difference between the two sets of instructions, and felt quite assured that his hon. Friend, the Under-Secretary for the Colonies could not have said, that as regarded it they were the same.

Subject dropped.

HIGH SHERIFFS (IRELAND).] The Earl of *Winchilsea* rose, in pursuance of notice which he had given on Friday evening, to present a Petition from Francis Leigh, jun., Esq., of the county of Wexford, in Ireland. He begged to move, that the petition be read. [The petition was read by the clerk, and complained that the petitioner had been appointed to fill the office of High Sheriff of Wexford for the present year, but his appointment had afterwards been cancelled, without any cause being assigned.] The noble Earl said, that before he proceeded to offer a few brief observations with reference to the statement made in the petition, and also with reference to the circumstance that five complete lists of persons who were pointed out as eligible to fill the situation of High Sheriff, (which appeared by the return on their Lordships' Table,) gentlemen approved of by the Judges and by the Lord Chancellor of Ireland, an individual who must be presumed to know who was best fitted to fill the important office of High Sheriff, had been set aside, he must beg leave to observe, that it was with the most sincere and unfeigned regret he felt himself called on by a sense of public duty, of constitutional jealousy, and of strong feeling with reference to the private wrong which the petitioner had sustained, to bring the conduct of the noble Earl, whom he was happy to see in his place, and who held the high situation of Lord-Lieutenant of Ireland, under the consideration of their Lordships. It would be in the recollection of their Lordships that on two former occasions he had stated the case of the petitioner—first, in the course of a debate relating to certain appointments that had recently taken place in Ireland; and afterwards, having received no satisfactory answer as to the grounds on which the appointment of Mr. Leigh was cancelled, he moved, that a return should be laid on their Lordships' Table of all official communications that had taken place between the Irish Government and that individual. That return was now before their Lordships, and he had adopted that course in order to show to their Lordships and to the noble Earl, that he had proceeded cautiously, and that he had not unnecessarily sought an opportunity of attacking the government of the noble Marquess in Ireland. The course he pursued gave to the Irish Government an ample opportunity for publicly stating the reason which had led to the removal of the petitioner from the situation of High Sheriff to which he had been appointed. All the information, however, which they received on the subject was, that the Lord-Lieutenant had found, on further inquiry, that Mr. Leigh was a member of an Orange society, and that, therefore, his appointment was cancelled. That statement, however, he at the time took the liberty to deny; and if on more mature inquiry that charge proved to be groundless, some explanation, he conceived, ought to have been given, to show upon what other ground such an injury had been inflicted both on the public and private character of the petitioner. No such thing having been done, he felt it was due to his own character, having once introduced the subject, to bring it fully under the consideration of their Lordships. He should now draw their Lordships' attention to the very extraordinary course which the noble Earl had pursued—to the very great power he had exercised in the appointment of High Sheriffs in Ireland. The noble Earl had deviated from that constitutional practice which he believed to have been invariably followed—namely, that of appointing no persons to act as Sheriffs, except they were recommended by the Judges. The course of proceeding, if it could not be fully explained, was of a most ungracious character—first to the Judges of Ireland, next to the individuals who, having been regularly returned on the lists, were rejected. He believed that the same system which prevailed in this country with respect to the appointment of Sheriffs applied also to Ireland—Sheriffs were formerly chosen by the inhabitants of the several counties. The election was in all probability not absolutely vested in the Commons, but, as in the case of the Judges of the county courts, the choice was finally confirmed by the King. "But these popular elections growing tumultuous, were put an end to by the Statute 9th Edward 2nd, s. 2, which enacted that the Sheriffs should from thenceforth be assigned by the Chancellor, Treasurer, and Judges, as being persons in whom the same trust might with confidence be reposed." Now, he could see no strong ground of necessity to warrant a departure from that course. On the contrary, he contended that it was unconstitutional to do so, and he denied the right of the Crown to appoint Sheriffs without the recommendation of the judges of the land, those who recommended the list being answerable for such recommendation. That was not merely his opinion —it was the opinion also of the learned Blackstone, who cited a case which occurred in the reign of Henry 6th, where the King, of his own authority, appointed a man, Sheriff of Lincolnshire, without reference to the Judges. The individual refused to serve; and the question came to be considered before the Judges, whether he should be fined for his refusal. The two Chief Justices, Sir John Fortescue and Sir John Prisot, delivered the unanimous opinion of the Judges thus:—" That the King did an error when he made a person Sheriff that was not chosen and presented to him according to the statute. That the person refusing was liable to no fine for disobedience, as if he had been one of the three persons chosen according to the tenor of the statute." Upon this point, then, it appeared that Sir John Fortescue and the Judges were unanimous in his day. Blackstone went on to observe, "But, notwithstanding this unanimous resolution of all the Judges of England, thus entered in the Council Book, and the statute 34 and 35 Henry 8th, chap. 26, section 61, which expressly recognizes this to be the law of the land, some of our writers have affirmed, that the King, by his prerogative, may name whom he pleases to be Sheriff, whether chosen by the Judges or no. This is grounded on a very particular case in the 5th year of Queen Elizabeth, when, by reason of the plague, there was no Michaelmas term kept at Westminster; so that the Judges could not meet there *in crastino animarum* to nominate the Sheriffs; whereupon, appointing for the most part one of two remaining in last year's, the Queen named them herself, without such previous assembly list. And this case, thus circumstanced, is the only authority in our books for making these extraordinary Sheriffs." This showed what the usage and custom of the country had been from a very early time. Blackstone further observed—"It was true, that it was held that the Queen, by her prerogative, might make a Sheriff without the election of the Judges, *non obstante aliquo statuto in contrarium;* but the doctrine of *non obstantis*, which sets the prerogative above the laws, was effectually demolished by the Bill of Rights at the Revolution, and abdicated Westminster-hall, when King James abdicated the kingdom. However, it must be acknowledged that the practice of occasionally naming what are called pocket-sheriffs by the sole authority of the Crown hath uniformly continued to the reign of his present Majesty, in which I believe few, if any instances have occurred." To this there was added a note, stating that the unanimous opinion of the Judges prevented the possibility in our days of the appointment of what was called a pocket-sheriff. He had thus spoken of the question in a constitutional point of view, and unless the noble Earl could show some strong reason for cancelling the appointment of the gentleman to whom he had alluded, and next, for rejecting the lists for five different counties, and appointing Sheriffs, without the recommendation of the Judges, it was a case, he conceived, that called for serious consideration. In his opinion, the noble Earl had exercised one of the greatest prerogatives of the Crown most unconstitutionally. In that country, where the law was so much abused, he believed that, up to the time when Sir Robert Peel became Secretary, the appointment of Sheriffs was looked at as nearly connected with partisanship. Sir Robert Peel, however, corrected the evil, and placed the selection of Sheriffs on the ground which he had stated. From that period up to the present year, no deviation from that system had been introduced; and he was very sorry, that lately matters of a political character should have interfered with those appointments. He was not acquainted with the five gentlemen who had been named by Government, instead of selecting from the Judges' lists.—He supposed that they were respectable persons; but it was well known that they were all supporters of his Majesty's Government. Now, with respect to the petitioner, the simple case was this: in the first instance, he received the following letter:

"Dublin Castle, Dec. 4th, 1835.

"Sir—I am directed by the Lord-Lieutenant to acquaint you that his Excellency has been pleased to appoint you to be High Sheriff of the county of Wexford for the ensuing year. And I have to request you will make the necessary arrangements for undertaking the duties of that office.—I have, &c.

"Francis Leigh, Esq." "Morpeth."

Mr. Leigh heard no more of this appointment until public report informed him that it was about to be conferred on another. Knowing that the assizes were at hand, he was anxious to receive his warrant. A letter was, therefore, on the 13th of February, addressed to the Secretary by Mr. Reed, the Sub-sheriff, stating that he was directed by Francis Leigh, Esq., to intimate that he had made all the necessary arrangements for the performance of the duties of High Sheriff, and requesting to be informed on what day his warrant would be ready. To this application the following answer was returned:—

"Dublin Castle, Feb. 16, 1833.

"Sir—I have the honour to acknowledge the receipt of your letter of the 13th instant.; and, in reply, I beg to state, that a communication having been very recently made to the Lord-Lieutenant, from a quarter on which he could rely, that Mr. Leigh was connected with Orange societies, his Excellency, in conformity with the rule on which he has uniformly acted, felt it to be his duty not to appoint Mr. Leigh to the office of Sheriff. His Excellency very much regrets that Mr. Leigh should have been subjected to any inconvenience in consequence of the lateness of the period at which the communication referred to was made, and also that Mr. Leigh was not immediately informed of the intention of his Excellency to appoint another Sheriff, an omission which is to be attributed to my having overlooked, in examining the paper connected with the appointment of Sheriffs, the fact that an intimation had been conveyed to Mr. Leigh, on the 4th of December, by Lord Morpeth, of which I was not aware until I received your letter already referred to. I am, &c., T. DRUMMOND.

"George Reed, Esq., 26, South Cumberland-street."

Now, he would not enter into any inquiry whether Mr. Leigh was or was not a member of an Orange lodge. But it appeared to him, after that gentleman had been appointed Sheriff, that it was a most extraordinary step for the noble Earl to take, when he thought proper to remove him from that office on such a ground; for it should be recollected that, at the time when the transaction took place, the Crown had not expressed any disapprobation of Orange lodges. He had now done that which he deemed it to be his duty to do, and he certainly should feel sincere pleasure if the noble Earl could place the transaction in a satisfactory light. In this country, at least, the proceedings to which he had adverted would be considered as unconstitutional, and, for his own part, he looked upon the question as one of very great constitutional importance. He should now sit down, having afforded the noble Earl a full opportunity of satisfactorily answering what he had advanced.

The Earl of *Mulgrave* commenced by returning thanks to the noble Earl for the very courteous manner in which his observations were delivered. The noble Earl's speech naturally separated itself into two heads—the general arrangement by which the selection of Sheriffs was regulated and the particular question of Mr. Leigh's non-appointment. He should first apply himself to the part of the general arrangement. In reference to this, he should commence by stating, that though the law in the two countries was the same, nothing could be more different than the circumstances attending the appointments of Sheriffs in England and Ireland. In Ireland there was no general meeting of the Judges or of persons representing the Executive for the purpose, neither were the names selected according to a list going on from year to year, and of which the first in order was sure to be nominated. The Judge going the assize made a return of three names to the Government, and to the list so returned the selection was usually confined. But the practice of naming the Sheriffs from the Judge's list was by no means invariable. He did not understand the noble Earl to question the prerogative of the Crown to pass over those names, if any positive disqualification could be shown to exist. Now he should commence by avowing at once that he had taken quite a new ground of objection to the names placed by the Judges on their list, from that adopted by any of his predecessors. He had felt an inclination, very soon after his assumption of the government of Ireland, to lay down a rule that in no instance should an individual be appointed to any office in his gift, who could be proved to have been connected with any secret exclusive political society. Having communicated this wish to the Government, and received their sanction to its adoption, he had put it into operation in every case, and the responsibility of having so done belonging entirely to himself, he was quite ready to take it on himself. Such being the case, it remained for him but to say, that whenever a name had been passed over, its omission was justifiable either on the ground of the individual coming within the rule he had mentioned, or on that of personal inability. As to whether it was usual to pass over the names sent by the judges, and to nominate gentlemen without consulting those learned authorities, he would not take upon himself to say, but of this he could assure their Lordships, that in the course he had taken of nominating Sheriffs without applying to the Judges, he was borne out by the authority of all the law-officers of the Crown, and in particular by the highest legal authority in Ireland—that of the Lord Chancellor. The noble Earl had referred to the return presented last evening as tending to prove that the invariable practice had been to select the Sheriffs from the Judge's list; but although in many respects the return was inaccurate, in consequence of the despatch with which it was drawn up, there were sufficient materials to enable him to prove that such was not in every instance the case. In alluding to that return, the noble Earl had made some omissions. Thus, there was a memorandum at the bottom of the list for 1829, as follows:—"In this year the persons returned by the judge of assize declined in the following counties—Antrim and Tipperary; and other persons were therefore appointed High Sheriffs." And again, at the end of the list for 1830 there was a memorandum, that "the person returned in this year for the county of Tyrone having declined to serve, another person was nominated." There was a very great distinction between the nomination to the office and the actual appointment. In 1830, Mr. Lyons, a Roman Catholic gentleman, was nominated High Sheriff of the county of Limerick; but just before the warrant was prepared he was set aside. That took place during the time that the Duke of Northumberland was Lord-Lieutenant. Now, he never inquired into the subject, but he certainly never heard of any reason having been called for or given with respect to that precedent. There were two other gentlemen as ready to serve as Mr. Lyons, but both were set aside. On this occasion it was not deemed necessary to apply to the Judge. Those gentlemen were passed over, and Mr. Fitzgerald, the Knight of Glyn, was appointed. In 1834 another case occurred, with reference to the county of Waterford. The person returned to serve, and the others who were on the Judge's list, were passed over as ineligible. This occurred in the time of the Marquess Wellesley. He had therefore acted upon this general principle—the fitness and propriety of the individual to fill the office, without the least regard to any feeling whatever of any other description. Having stated these two cases, he would now leave it to the House to decide whether or not, upon the general principle, he was justified in the course he had taken. He now came to the individual case of Mr. Leigh. In his petition, that gentleman had stated, that he had been appointed to the office of Sheriff with his consent. Such was not the fact. It had been publicly known that Mr. Leigh was to be appointed Sheriff, and from information which he received through memorials from different parts of the county of Wexford, it appeared that there were three grounds of objection taken to his nomination. The first was that he was believed to be an Orangeman; the second, that he was a strong political partisan; and the third, that he had no property in the county. With respect to the last ground of objection, he believed the fact was stated to be that Mr. Leigh was a younger brother, living in the house of his father, upon whose death he must cease to have any connexion, so far as property was concerned, with the county, and for this reason, that, though his elder brother died, he left children who would be entitled to the property. With respect to the objection on the score of property, he (Earl Mulgrave) declined to entertain it when it was urged in the memorials to which he had before alluded, inasmuch as the time had elapsed when it should have been taken into consideration. Now with respect to the objection of political partizanship, Mr. Leigh stated in his petition to their Lordships that he was neither an Orangeman nor a man who entertained any strong party views. All he could say was, that a person of such a description was exactly the person to whom he was desirous to intrust the duties of Sheriff, and if an individual could be found in that country who was in other respects qualified for the office, and who was a man (as Mr. Leigh stated himself to be) who had never been connected with any political party, he was precisely the person that he should be disposed to nominate. However, he stated in reply to the assertion concerning Mr. Leigh, that "he was believed to be an Orangeman," that it was impossible for him to act upon any such hearsay evidence. So that up to the day before that on which the lists were to be published in *The Gazette*, it was his intention, notwithstanding the allegations against Mr. Leigh to which he had referred, to appoint him Sheriff. At that period he had received from the Solicitor-General for Ireland information which induced him not to select Mr. Leigh for the office of Sheriff. The learned Gentleman told him that he had heard from a gentleman named Porter, who became acquainted with the fact through another gentleman whose name he was also at liberty to mention, that Mr. Leigh was the master of a lodge, established under what was called the new system, and that the last gentleman to whom he alluded knew the lodge to which Mr. Leigh belonged. This occurred on the day before that on which it was necessary that the list should be published; and having no reason to doubt the authority on which the statement was made, he certainly did think it his duty under the circumstances, and acting on the belief that Mr. Leigh was an Orangeman, to pass over his name in the list, which it was then necessary to have made out. The gentleman he did name was a person in every way qualified to fulfil the duties of the office. He was out of the county at the time that he was appointed; but he was informed that he had more property in the county of Wexford than Mr. Leigh, and that he was willing to undertake the duties of the office of Sheriff. These were the representations by which the course which he then took was directed. There were some circumstances connected with this transaction which, though they would not lead him to sanction, in any shape, an act of injustice to Mr. Leigh, would still cause him to be equally unwilling to neglect his own duty, especially by making Mr. Leigh an exception to the general rule which he determined to lay down for excluding all Orangemen from places of public trust under the control of the Government. It appeared that Mr. Leigh had appointed Mr. Reed as Sub-Sheriff. Now, in the unfortunately distracted state of the county of Wexford at that time, particularly with regard to the collection of tithes, a circumstance occurred which showed Mr. Reed to be destitute of that temper and discretion which it was most desirable that a gentleman filling the office of Sub-Sheriff, and upon whom many of the duties of Sheriff devolved, should possess. Mr. Roe, it seemed employed Mr. Reed to levy for tithes, and certain stacks of corn were consequently seized, the populace collected, an auction commenced. As is not unfrequently the case on such occasions there were no bidders, and Mr. Reed, in the face of the famishing people, had the corn wantonly burnt and destroyed. Such an instance of want of discretion, judgment, and humanity, was, he believed, altogether unparalleled. He was not aware that he had left any point untouched to which the noble Earl had alluded in his speech. If in the course of any observations that might be subsequently made, or explanation should be called for, he trusted their Lordships would extend to him their indulgence, by permitting him to give it. As to the individual case of Mr. Leigh, he could only say, that nothing could be further from his intention than to do any act of wrong or injustice towards him as a private individual. He had acted with the firm belief that the information which he received placed beyond doubt the fact that Mr. Leigh was an Orangeman. He would now, through the channels by which the proceedings of their Lordships were conveyed to individuals out of the House, express to Mr. Leigh his regret that he had been (according to the contents of the petition, which their Lordships had that night heard) misinformed on the subject. If he had known at the time he rejected Mr. Leigh what he knew now, he should have acted differently; but if he knew now only what he knew then, he would act again exactly as he had done upon that occasion.

Viscount *Strangford* called the attention of their Lordships to a letter from a gentleman of high rank, character, and connexion in Ireland, with reference to the proceedings in the county of Limerick. He stated, "that on the 9th of December, 1829, Mr. Loyd, one of the Members for the county of Limerick died. In January, 1830, a contest for the county took place between Colonel O'Grady and Mr. Massey Dawson. Colonel O'Grady succeeded by a small majority; but was unseated, on petition, by Mr. Dawson. Parliament was then four years old, Mr. Dawson was in bad health, and a general election was expected immediately. That was enough to make an honest government particular in the choice of a High Sheriff for the next year, especially when a Judge's son was about to start as one of the parliamentary candidates. Government, however, passed over the Judge's return altogether, to answer their own views. That was the only true reason. But it was said, that it was done because Mr. Lyons was a Roman Catholic. This was perfectly absurd, for the two other persons passed over were Protestants. The Knight of Glyn was selected, who was a pro-Catholic, a Reformer, and one of the very few grand jurymen who signed a petition for parliamentary reform." He stated this to point direction to the motives which appeared to have led to that appointment.

The Earl of *Roden* said, he was most deeply interested in this subject on many grounds, and he was sincerely grateful to his noble Friend for having brought it forward. It appeared to him to be a subject of that class which, perhaps more than any other, demanded the consideration of that House and of the country. It involved a question which, in his opinion, struck at the very foundation and root of justice itself. He conceived that a great officer of the Crown, and he would boldly say it in his presence, had been guilty of a gross dereliction of his duty, in deviating from the usual, natural, and constitutional course, which hitherto had always been pursued in the appointment of Sheriff, and adopting a practice unknown to the Constitution. The noble Earl had stated, that Lord Wellesley, when he was Lord-Lieutenant of Ireland, had thought it right to depart from the usual mode of nominating Sheriffs, and that by this proceeding he had nominated persons who were most likely to do justice. The noble Earl had also in his defence stated, that he heard—for this was the first phantom which appeared to frighten him—that some individuals were connected with the Orange institution. But although this panic had affected the noble Earl, he did not see any just ground why this panic should possess his breast. He did not see why the noble Earl should have any reason to suppose that gentlemen who had been connected with the Orange society should not be able to discharge the duties incidental to any public situation in a manner likely to support the best interests of the country. He knew many of those gentlemen, who had discharged those duties in a way as well calculated to preserve those interests as any other Members of any other class of society. The persons who belonged to the late Orange institution had the good of the country at heart as much as the noble Earl, and bore as good characters as he did himself, and, therefore, the noble Earl was not justified in supposing that a gentleman, because he had been connected with that society, would not properly discharge the duty of Sheriff. He could not then, as a member of that institution, which was now no more, refrain from protesting against the allegations brought against that society by the noble Earl. He must say further, that it was a most ungracious act to pass by the opinions of the twelve Judges of Ireland on this subject—the opinions of men holding important situations, and of high character—men as much admired and beloved as any persons ever were who filled those situations; and why the recommendation of those persons should be passed by in making a nomination of Sheriffs, he could not see. The explanation of the noble Earl on this subject had not satisfied him (the Earl of Roden), and he did not know whether it had satisfied their Lordships. With respect to the case of Mr. Leigh, the noble Earl had said, that if he had known what he now knew, he would not have done what he had done, and Mr. Leigh would have been now Sheriff of Wexford; at least, that was the interpretation he put upon the noble Earl's language. But what were the reasons which the noble Lord had given for refusing to appoint Mr. Leigh? The first reason he assigned was, that he believed him to be a member of the Orange society, although he (Mr. Leigh) most positively declared he was not. Secondly, because Mr. Leigh was a strong political man. Why, was not the noble Earl himself a strong political partisan?

The Earl of *Mulgrave* interposed to state, that Mr. Leigh's strong political opinions were among the reasons which had been urged upon him for withholding his ratification of this appointment, but he had at once stated that those reasons should be of no avail in influencing his determination. He had also stated, that Mr. Leigh would, in his opinion, be perfectly eligible now for the situation of Sheriff.

The Earl of *Roden* continued—The noble Earl had further stated, as an additional reason for not appointing Mr. Leigh, that he was a person of no property. But he (the Earl of Roden) had reason to know that Mr. Leigh's father was possessed of property of 5,000*l* a-year in the county, and it had been the practice that the sons of men of property should be placed in high and important situations in the country. He was glad that the noble Earl (Winchilsea) had brought forward this motion, because he could assure the noble Earl at the Table (Mulgrave) that this course had caused the greatest pain to the resident gentry and nobility of Ireland, and he regretted that any circumstance should have taken place so much calculated to call forth a feeling of sorrow and regret on their part as the events which gave rise to this discussion. In stating his opinions on this question, he had not any private hostility against the noble Earl to gratify. The noble Earl had always treated him with perfect courtesy, and he had spoken of him as a public character, and he was quite sure the noble Earl would forgive him if he had unknowingly said anything that could wound his private feelings. He should now conclude the observations he had thought it his duty to make, by expressing his strong opinion that we ought to go back to the old constitutional custom of consulting the Judges of the land on these occasions.

The Marquess of *Lansdowne:* The subject of the appointment of Sheriffs in this country and Ireland having been referred to by the noble Earl who introduced this discussion—and who, he must say, introduced it in terms of fairness and moderation, of which no man, and he was sure least of all his noble Friend (Earl Mulgrave), could complain — he felt anxious to say a few words on the question which had been submitted to them, and with the view of correcting some mistakes into which he conceived the noble Earl (Winchilsea) had fallen. With respect to England, he certainly never understood it not to be within the prerogative of the Crown, and being within the prerogative he was not disposed to say that it should be abandoned, to appoint a person as Sheriff, on the responsibility of the advisers of the Crown, who was not recommended by the Judges. Such appointments had taken place both in the Government in which he had the honour to have a part, and in most, he would not say all, of those by which they had been preceded. It would be very inconvenient if circumstances, which might reach the ears of the advisers of the Crown between the period when the recommendation of the Judges was given and the time when the final selection and nomination was made by the Crown, had not their due weight with the advisers of the Crown, particularly when it was borne in mind that if such circumstances had been mentioned to the Judges when they made the recommendation, they would in all probability have abstained from making it. Therefore, he believed that the Crown, had in a great many instances, and on an immediate emergency, exercised the power of nominating a person Sheriff, who had not been thus recommended. Whether the Crown was enabled to compel a person so appointed to perform the duties of Sheriff was a question into the discussion of which he did not then mean to enter, but certain it was, that the Crown was entitled to exercise the right of nomination to the office, in the case of an individual situated as he had described. But the noble Lord had stated, that he understood the law to be uniform with regard to the question in England and Ireland. Now he could assure the noble Earl that in this supposition he would find himself mistaken. He believed that it would be found that in Ireland there was no law or regulation which prevented the Crown from selecting a person to be invested with the high responsibilities of this situation. Since he came into the House he referred to the Irish Act of Parliament on the subject (the 1st of Henry 7th.) by which all pre-existing regulations and laws with respect to the appointment of Sheriff were done away with for the purpose of vesting the appointment in the Crown, and from that time it had remained vested in the Crown; no Act or interference of Parliament having deprived the Crown of the authority which had been so reposed in it. Undoubtedly it happened that abuses resulted from this system to such a degree that Sir Robert Peel, when he filled an office connected with the Government of the country, was of opinion—and it was only what was to be expected from the justice and liberality of his character—not that an Act of Parliament should be introduced for the purpose of altering the law, but that he ought to express his wish to be advised by the Judges on the subject of those appointments, and thereby establish it as a rule of conduct for his own guidance, which had been followed by subsequent Secretaries, that the adviser of the Crown should consult with the judges. The prerogative, however, of course, still continued to be vested separately and distinctly in the Crown. Now with respect to the discretion with which this power had been used in the present instance. His noble Friend had told the House the circumstances under which he acted: that he received credible information that Mr. Leigh belonged to a secret society, and that the period at which that fact was communicated to him admitting of no delay in determining the course to be pursued, for the time for the Sheriff entering on the execution of the duties of his office was at hand, he resolved upon rejecting Mr. Leigh. His noble Friend did not do so, however, as he had himself stated—and it was very important for the House so to understand him—because Mr. Leigh was an individual holding any particular political opinions. So far from being biassed by any such consideration, his noble Friend stated, that when that allegation was made in the first instance against Mr. Leigh, he distinctly replied, that such an allegation he could not and would not admit into his consideration. His noble Friend had determined to reject Mr. Leigh only when he found that he was a member of a secret society, which it appeared to the Parliament, as well as to the Government, was of a description to disqualify an individual belonging to it from holding any public situation; and, as it had been recently admitted, was such as to disqualify a person to hold even the humble situation of a police constable. Upon that representation his noble Friend had acted in the way which he was sure he would always continue to act—namely, in that which he conceived to be conducive to the public service. In this country—he did not know whether the case was different in Ireland—he knew that the ground of complaint, with respect to the office of Sheriff, was not, that an individual was not nominated to, but his appointment to the office was considered the grievance. He hoped, then, that Mr. Leigh would not find the hardship altogether intolerable, of being deprived of the advantages and enjoyment resulting from this office for one year. He said for one year, because he was the first to admit that Mr. Leigh, having vindicated himself from the charge of being an Orangeman—if he had so vindicated himself—but above all, the secret society to which he belonged being disclaimed, not only by Mr. Leigh, but by those to whose authority that gentleman would be naturally inclined to look up, and these leading individuals, much to their own honour, and for the public benefit, having receded from the institution, by which course they had placed not only themselves, but numerous other classes, in a situation which enabled them to serve in this and many other public functions, for which an adherence to a secret society had previously disqualified them—he said not only that Mr. Leigh, but every other gentleman so situated, was eligible to fill the situation of Sheriff; and he could answer for his noble Friend as he would for himself, that if he continued to fill the high situation of his Majesty's representative, he would neither deprive Mr. Leigh nor any other man, who was entitled to it, of the honour and distinction of serving the public in the important office of Sheriff. He trusted that in future, whatever might have been the case with respect to the past, that no party distinctions or party differences would have the power of influencing such appointments. He thought his noble Friend had fully acquitted himself of all blame with respect to the non-appointment in question; and it was also satisfactory to reflect, that if his noble Friend had acted under any mistake, or misunderstanding, or misapprehension, it could be attended with no mischievous consequences, and with but little, if any, inconvenience.

The Marquess of *Londonderry* was anxious to make a few observations upon this question, because the noble Earl was going back to Ireland with new powers of a very formidable nature, and because he felt jealous of the manner in which the noble Earl had exercised the powers which had been intrusted to him. He could not but advert, however, in the first place, to the distinction with which the noble Earl had thought proper to treat a person who had maligned that House, by inviting him to his table at the Castle. Never was there any transaction which was felt so deeply by the gentry and Protestants of Ireland. The consequence was, that the noble Earl, instead of being treated in the province of Ulster with that sort of reception that the representative of royalty had before always met with, he could of his own knowledge state, that the noble Earl's reception was very different to what it would have been if that distinction had not been paid. He could tell the noble Earl and the Government, that he had disgusted the people of Ireland, particularly the northern parts of the island, by that proceeding. He was aware that it had been termed a mere matter of routine, but after the speeches which that person had made against their Lordships' House, which he was ashamed to refer to, he must say, that he looked upon it as one of the most degrading things that ever was committed. He had further to complain of the constabulary and law appointments which had taken place since the noble Earl had filled his present situation. He believed that the Catholics in the constabulary were as ten to one Protestant, and he challenged the noble and learned Lord to assist him in making out a complete list. In the north of Ireland, moreover, the assistant barristers were generally removed, as was stated, for political purposes. This was the case of the town of Belfast. After a great struggle for ascendancy, two Conservative Members were returned for that town. The assistant-barrister who was now appointed was a Catholic gentleman not known in that part of the world, and all the arrangements were overturned, which had been before going on in a manner very satisfactory to all parties. He had before mentioned the appointment of Mr. Finlay, the editor or proprietor of the *Northern Whig*, to a situation in the Stamp-Office, and he begged to be informed whether that appointment had taken place or not. There was a case of the dismissal of a subordinate public officer at the Castle, which he could not help viewing with jealousy, though he did not question the prerogative of the noble Earl. This person had lasted out every Lord-Lieutenant for the last thirty years, and now he was turned out in his old age, without a pension for his past services. He would tell the noble Earl fairly and honestly as an Irishman, that the connexion of these circumstances, the changing of assistant-barristers where they were hostile to the Government, the number of Catholics in the constabulary and law appointments, and the re-appointment of Mr. Gore Jones, after insulting the magistrates of two counties, and placing him in an adjoining county as a stipendiary magistrate—all these circumstances, viewed in connexion with each other, showed that the noble Earl was deficient in those qualities which he insisted upon were necessary in persons connected with the administration of government in that country—he meant impartiality and a freedom from political bias. But when he saw the noble Earl with the great patronage which he possessed acting as he had done, he was too deeply connected in feeling with Ireland, with which his very existence, he might say, since his earliest childhood, had been bound up, not to recommend the noble Earl to abstain in future from injuring the best interests of the country by continuing in the course he had begun.

The Earl of *Mulgrave* promised not to keep their Lordships from their dinner today, by making them re-digest the dinner which, after having been served up to them nine months ago, the noble Marquess had now again served up to them. With respect to the first point to which the noble Marquess had adverted, he must say that the invitations to the table at the Castle were given without any distinction of party. But at the same time he begged to say, that he was not bound down to approve of any particular terms which any guest of his might have used. With regard to the dismissal of the gentleman to whom the noble Marquess had alluded—he believed he meant Sir Stewart Bruce—he had not been influenced in directing that dismissal by any political motives, and indeed he might say that his reasons were approved of even by the party himself. Sir Stewart Bruce had been gentleman-usher at the Castle for the last thirty or forty years; but, unfortunately, the best men would grow old in time, and he thought that Sir Stewart Bruce had arrived at that time of life which was no longer calculated for the performance of the duties of gentleman-usher. With respect to the constabulary of Armagh, it did so happen that he had read a speech of the noble Marquess on this subject. It was well known that in any appointments which were made on vacancies occurring, the Lord-Lieutenant merely signed his initials to the paper which contained the nomination, without being cognizant of the party or religion to which the person named might belong. As, however, amongst the few speeches of the noble Marquess which he had read, there was one in which charges were brought against him with respect to these appointments, he had called for a Return from the Inspector General of Police, to ascertain the numbers of Catholics and Protestants in the constabulary force. By that Return, it appeared that the police were—Protestants ninety-seven; Catholics twenty-one; dismissal, one Catholic. The constables were—Protestants nineteen; Catholic one; so that this did not look very much like the noble Marquess's ten to one. The constables appointed by Sir Frederick Stovin were—Protestants two; Catholics one; and these were made, as is usual in such cases, in reward for honesty or some meritorious act. The Catholic constable had returned some bank-notes which had been stolen, and would not have been otherwise recovered. He was not aware of any other patronage he had exercised in the county of Armagh. The noble Marquess had referred to the transfer of the assistant-barristers, and had alleged it was done with political views. He certainly had, acting on the advice of the Crown-officers of Ireland, come to the determination of preventing any assistant-barrister going on his own circuit, but he had done so from a desire to improve the public service, and render the administration of justice impartial. Then, with regard to the appointment of assistant-barristers, and of the offence given by their appointment to the Protestant population, he could assure their Lordships, that whenever these appointments were to be made, his only inquiry was, who were the most efficient persons that could be found to discharge the duties of that office. He had been charged with appointing an undue proportion of Catholics; now, what was the fact? Since he had held his present situation six assistant-barristers had been appointed; of these, two were Catholics and four were Protestants. Now, indeed, they were in the proportion of three to two, for Mr. Acheson Lyle had been recommended by him to his noble Friend at the head of the Government for another appointment. The matter happened to be so; he did not make any merit of it, but it was the fact, and if the most efficient men had happened to be Catholics he would have appointed them, from the same motive which had influenced him in appointing Protestants. He might mention other attacks which the noble Marquess had made upon him, but he had friends who knew him, and if they had not answered all those attacks, he had the consolation of knowing it was not because they were unanswerable. With regard to Mr. Fogarty, he was one of the most rising young men at the bar, and his demeanour in his office was calculated to give the greatest satisfaction, and he did give satisfaction, not merely to the supporters of the Government, but to those quiet Conservative people of Belfast who saw he was disposed to do justice, and from whom he had received the highest encomiums. As to Mr. Gore Jones, was the noble Marquess well convinced that the magistrates of Armagh were dissatisfied with what had taken place? He had reason to apprehend that the contrary was the case. Mr. Gore Jones had certainly placed himself in an awkward situation, so far as regarded his acting in concert with the magistrates of Armagh; he had given evidence before a Committee of the House of Commons which the magistrates thought cast a slur upon them. The magistrates, however, did not apply to him (Lord Mulgrave) in the first instance, but expressed their opinion of Mr. Gore Jones's evidence by the application of very abusive terms to him, and by placarding the walls with statements calculated to do him an injury, for which Mr. Gore Jones brought an action. He lamented that, but he felt that he could not with propriety interfere between a Committee of the House of Commons on the one hand, while a suit was pending in a court of justice on the other. Under the circumstances, however, he thought it prudent to remove Mr. Gore Jones, meaning, however, that he should be employed again, as he was a very efficient officer, wherever his services might seem most likely to be of use. He had not appointed him to any situation yet, because he had not made up his mind where he should employ him, and therefore the newspapers on which the noble Marquess was accustomed to rely for his authority, were rather before him (Lord Mulgrave) in giving Mr. Gore Jones an appointment as a stipendiary magistrate in a county adjoining to Armagh. With respect to what the noble Marquess had stated relative to his reception in the province of Ulster, all he could say was, that he was very well satisfied with the reception he met with there, and the best proof of his satisfaction that he could give was, that he should go there again. He hoped he had answered these charges with good temper. As to the connexion of the noble Earl (Roden) with the Orange institution, he had not spoken of it with any intention to state anything invidious. He had too great a respect for the noble Earl's straightforward public conduct and uniform consistency, to say anything further than that the institution being a secret, exclusive, and political society, he did not think that a member of it ought to fill the responsible office of Sheriff. No man was more inclined than himself, however, to forget that such a society had existed, and in proof of this he had to mention that he had taken the earliest opportunity, in the instance of a noble Lord who had been a member of the Orange Society, but had ceased to be connected with it, of confirming the nomination of that noble Lord to be a Deputy-Lieutenant. He was extremely anxious, by exerting all the powers he possessed, to confirm what the noble Earl and the illustrious Duke had done, and he assured them that it was with that object that he directed that no retrospect should be made as to any statuteable offences committed before and tried at the late assizes. He wished that Irishmen would unite as Irishmen, and that all recollections of party distinctions should be entirely forgotten. The noble Earl concluded by apologising to their Lordships for the time he had occupied, though he had spoken quick, because he wished to release them as soon as possible.

The Earl of *Winchilsea*, in reply, observed that he could not help thinking, that in a constitutional point of view, the prerogative of the Crown, with respect to the appointment of Sheriffs in Ireland, ought to be exercised as it usually was in this country. He agreed with the noble Marquess (Lansdowne) that the Act of 1st Henry 7th, gave the power of appointing Sheriffs to the Crown, but that power should be exercised under the constitutional checks which had usually surrounded it. Formerly the election of sheriffs rested with the people, and when the Crown took that power to itself, the leading freeholders recommended the Sheriff, and thus it in some measure continued in their hands. This precedent might lead in future times to the detriment of the people of this country, because very considerable powers belonged to the Sheriff, and if the appointment to this office was not placed under proper check, the Constitution might hereafter be placed in jeopardy.

The Petition to lie on the table.

HOUSE OF COMMONS,

Tuesday, May 17, 1836.

MINUTES.] Petitions presented. By Lord W. BENTINCK, from various Places, for an Equalization of the Dues on East and West India Sugar.—By Mr. S. CRAWFORD, from Headford, Clonmany, for Abolition of Tithes (Ireland).—By Mr. Sergeant JACKSON and other HON. MEMBERS, from various Places, against a Clause for Removing the Jurisdiction of Minor Courts to the Quarter Sessions.—By Lord JAMES STUART, from various Places, for a Repeal of the Duty on Spirit Licences.—By Lord JAMES STUART, from Irvin, in favour of Spirituous Liquors' Sale Bill.—By Mr. CLAY, from the Medical Profession of various Places, for Remuneration for Attending Coroner's Inquests.—By Mr. HARDY, from Sale, for Amendment of Factories' Regulation Act.—By Mr. LAMBTON, from Shotton, against the Bishopric of Durham Bill.—By Mr. HASTIE, from Paisley, for the Exemption of Charitable Bequests from Legacy Duty.—By Mr. G. WILBRAHAM, from Winsford, for Abolition of the Salt Monopoly.—By several HON. MEMBERS, from various Places, for a Repeal of the Duty on Newspapers.—By the ATTORNEY-GENERAL, from Dudley, that the House take the State of Ireland into Consideration.

RAILROADS.] Mr. *Morrison* spoke as follows*:—In bringing forward the motion of which I have given notice, if I trespass for a short time on the attention of the House, I must plead the importance and magnitude of the interests involved in the question as my excuse. Honourable Members, Sir, may differ from me on this subject; some may consider my apprehensions as altogether unfounded—some, admitting the evil which I would seek to remedy, may think I exaggerate its probable effects—whilst others, perhaps, agreeing that something is necessary to be done, may allege that the remedy I propose is inapplicable or insufficient; but all must allow that the change now going on, and which is likely at no distant period to transfer our chief public conveyances from the King's highways to a number of Joint-stock Railway Companies, is a subject which demands the early, the deliberate, and the serious attention of Parliament.

I need not, Sir, occupy the time of the House by pointing out how important it is to a commercial and manufacturing people like ourselves that our means of conveying persons and goods from place to place should be as perfect as possible; every one must be aware how much has been done in this way during the last twenty or thirty years. It would be difficult to estimate the value of these improvements, or their effect upon the trade and prosperity of the country. They have carried competition not only into our smaller towns, but even into our villages; and the facilities which they have afforded to the dealer in visiting the warehouses of the manufacturer and the merchant, as well as in obtaining whatever he might require at the least expense and in the shortest space of time, have promoted in no inconsiderable degree that remarkable development of our internal industry during the last twenty years, which has so far outstripped the anticipations of those the best acquainted with the subject. I should have hesitated much before I brought forward this resolution, had I thought it would check in any degree individual enterprise or fair and legitimate speculation; but I am persuaded it will have no such effect. Though my proposition had been years ago the law of the land, I believe we should not have had one project the less before us. Experience shows in this as well as in other countries, that legislative restrictions, required by the public interests, do not prevent individuals from embarking their capital in public works affording the probability of a reasonable return. We all know, Sir, how much this country is indebted to individuals and companies for great and useful works; but for its water communications with the metropolis and other places, Manchester would now have been merely a large village. The illustrious Duke to whom the public is chiefly indebted for this improvement, is justly considered as among the greatest benefactors of his country; nor must we forget what is due to the public-spirited individuals who first undertook, under many and great discouragements, that truly national work, the Liverpool and Manchester Railway, the success of which has led to the extensive introduction of similar works on the continent, and still more in America. Hitherto on our public roads the most perfect competition has always existed; whoever paid the tolls was at liberty to use them. If any improvement took place which tended to lower the cost or to accelerate the speed of our public conveyances, the public immediately had the full benefit of it; but in the numberless Acts now before the House, no security is taken that the public should have the benefit of any improvement on railways. The superiority of this over all other modes of travelling in respect of rapidity, is perhaps not greater than the capability it promises of reduction of cost. The general introduction of railways may be of great future benefit to the country; and if the public do not reap from them all the advantage it is entitled to, the fault will be laid, and justly so, at our door. It is our duty, Sir, to give every fair encouragement to the enterprise of individuals and of associations, but we are at the same time bound to take care that we do not confer rights and privileges on any individual, or set of individuals, which may be employed to the public detriment, or which may hinder the public from hereafter reaping advantages they would have enjoyed but for the existence of such rights and immunities. All Acts of Parliament conferring on a Joint-stock Company the power of making a canal or railway between any two or more places, necessarily confer peculiar powers and privileges on the subscribers, the abuse of which ought consequently to be guarded against. Such Acts authorise companies to carry their works through the estates and properties of private individuals, often inflicting inconveniences and injuries which no pecuniary compensation can remove or repair, the only justification for which—and in my opinion it is always a sufficient one—being the subserviency of private interests to the public good. But this is not all; these Acts further give them what is really equivalent to a monopoly. I put the case thus strongly because it is a fact, that between any two or more places that can be pointed out there is a certain line that is preferable to every other line for a railway or a canal; and which may, indeed, be the only practicable one that can be selected. Now the chances are ten to one that this preferable line will be the first that will be occupied; and a company authorised by the Legislature to take possession of it has thereby acquired an incommunicable privilege and a substantial monopoly, inasmuch as no company that may be formed at any future time for making a new canal or a new railway between the same places, could come into the field under equally favourable circumstances. The advantage conferred in this way may be in some cases so very great as to render all subsequent competition impossible, and in almost all cases it must be very decided. Not only, however, would there be the obstacle of an inferior line in the way of a new company, but the difficulties to be overcome in getting a new Act, the time necessary for the completion of the undertaking, and the vast amount of capital required, all contribute to secure the monopoly conferred on the subscribers to the first line, and prevent their profits from being governed by that principle of competition which is in ordinary cases the best protection of the public interests. The railway from London to Liverpool, for example, will cost probably five or six millions sterling. Suppose, now, that the speculation should turn out a profitable one, and that the shareholders realize a large dividend, it is plain that, under the circumstances of the case, it would be all but impossible to reduce it, or to lessen their charges upon the public, by bringing a rival establishment into the field; for, first, the existing company is in possession of the best line; and, second, were it seriously intended to form a rival establishment, the original company would seek to deter them by reducing their charges; and if, as is probable, they succeeded in this way in getting rid of the threatened competition, they might again raise their charges to the continued injury of the public. But suppose that, in spite of all the difficulties opposed to the formation of a new company, one is formed, obtains an Act, and actually comes into competition with the present line, would not the obvious interests of both parties, unless prevented by some such precaution as that which I have proposed, inevitably bring about some understanding between them, by which the high charges would be further confirmed, and all chance of competition removed to a greater distance?

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* From a corrected edition published by Ridgeway,

The history of our Metropolitan Water Companies is most instructive on this point. After a fierce contention among themselves, they came to an agreement by which they parcelled the town into districts; and having assigned one to each company, they left it to obtain from the inhabitants the utmost it can obtain, and to profit, without let or hindrance of any kind, by the extension of this ever-growing metropolis! The public, too, is served not merely with a dear, but also with a bad article; and the probability of relief is perhaps more distant than it would have been had some of the companies not been established.

It is evident from what has been stated, that in such cases we have no security in competition. I am confirmed in this opinion by the Report of a Select Committee on the supply of water for the metropolis, printed in 1821.

> "The public is at present without any protection even against a further indefinite extension of demand. In cases of dispute, there is no tribunal but the boards of the companies

themselves to which individuals can appeal; there are no regulations but such as the companies may have voluntarily imposed on themselves, and may therefore at any time revoke. All these points, and some others of the same nature, indispensably require legislative regulation, where the subject-matter is an article of the first necessity, and the supply has, from peculiar circumstances, got into such a course that it is not under the operation of those principles which govern supply and demand in other cases."

The Committee afterwards state, that the object of Parliament in granting these Acts was to give the benefit of competition to the public, but that they had failed of their object; and they suggest that the companies should be obliged to lay their accounts annually before Parliament.

The history of the existing canals, water-works, &c., affords abundant evidence of the evils to which I have been adverting. An original share in the Loughborough Canal, for example, which cost 142*l.* 17*s.*, is now selling at about 1,250*l.* and yields a dividend of 90*l.* or 100*l.* a-year! The fourth part of a Trent and Mersey Canal share, or 50*l.* of the Company's stock, is now fetching about 600*l.*, and yields a dividend of about 30*l.* a-year. And there are various other canals in nearly the same situation. But the circumstances already specified, that is, the possession of the best, or it may be, the only practicable line, and the vast capital required for the formation of new canals, have enabled the associations in question, unchecked by competition, to maintain rates of charge which have realized the enormous profits referred to for a long series of years. The advance in the value of the New River Company's shares may be referred to as affording a further and even more striking illustration of the same principle.

It is plain from the facts now stated, and I might have referred to fifty other similar instances, that competition in such cases is not to be depended upon, as a means of reducing the exorbitant rates of charge which produce such extraordinary and unlooked-for profits. But even though competition might be depended upon, the question arises, whether it would be right to trust exclusively to its protection? And to this question a decided negative should be given. The Legislature is bound to prevent, as far as it can, the unnecessary waste of the public capital. Now, it would be obviously a most flagrant waste of capital to construct two or three canals or railways to do the business that might be as well done by one, the only object, in fact, of the construction of the latter being the reduction of the charges made by the first, a reduction which might have been effected without trouble or outlay, by a proper legislative provision.

We have already seen that five or six millions sterling will be required for the construction of a railway from London to Liverpool. Now, suppose that the undertaking should at some future time become an exceedingly profitable one, that the charges are not sufficiently reduced, and that in consequence it is resolved to construct a rival line of road. This rival line will probably require an additional outlay of something like five or six millions for its construction; in other words, in order to reduce the rates on the first, it will be necessary to lay out other five or six millions in making a second! Ought not the possibility of so egregious a waste of the money of the community to have been provided against? And this might have been done without any difficulty whatever. All that can be gained by the second road might have been as effectually accomplished by the Legislature, had they reserved a power to revise the rates or tolls chargeable on the first; so that under the circumstances supposed, a capital of five or six millions will have to be sacrificed to repair a legislative oversight.

But expensive and wasteful as this resource undoubtedly is, it is all but certain that it will have to be resorted to. Had a railway been established between London and Manchester in 1770, and rates of charges fixed that would have yielded a moderate profit at the time, it would be difficult to say what profit they would now have yielded, but it must have been quite enormous. The cotton trade may be said to have almost entirely grown up in that interval. So low indeed was the estimation in which it was held at the period referred to, and for several years after, that it is not so much as once alluded to in the "Wealth of Nations," published in 1777; though the annual value of the manufacture may now be moderately estimated at thirty-five millions! The effect that this wonderful increase has had on the population and wealth of the country has been quite unprecedented in the history of the world. Liverpool, Manchester, and Glasgow, from inconsiderable places have become great, opulent, and flourishing cities. The population of Lancashire, which in 1770 was about 400,000, was in 1821, 672,731, and at present certainly exceeds 1,500,000, having nearly quadrupled in little more than half a century. Now, can any one doubt that it would have been most unfortunate for Lancashire, and for the community at large, had the principal lines of communication with the metropolis, or any other considerable place been assigned to associations in 1770, with power to levy certain specified tolls and charges in all time to come? So preposterous an arrangement would long since have been felt as a great grievance, and the interference of the Legislature been imperatively required. But can that which would have been folly in 1770, 1790, or 1800, be wisdom in 1836? Astonishing as has been the progress of the country during the last half century, there is every reason to conclude that its progress during the ensuing fifty years will be still greater. Every department of industry has been for years, and continues to be, steadily and rapidly progressive. It is stated by Dr. Kay, of Manchester, in a Report to the Poor-Law Commissioners, dated July last, that as many new mills were then in the course of being constructed in the cotton district of Lancashire as would, when completed, furnish employment for 45,042 mill hands, and require a moving force equivalent to 7,507 horses! If we look at the other great branches of manufacture we shall find a corresponding advance. The improvement in agriculture is not less striking. The application of bone manure, a more effectual system of drainage, improved machinery, and a better and more scientific rotation of crops, have done for agriculture what the steam-engine and the spinning-frame have done for manufactures; and it has made, and is now making, the most extraordinary advances. But it is unnecessary to trouble the House with details as to this point. It is sufficient to state, that at this moment the population of Great Britain, exclusive of Ireland, is certainly increasing at the rate of 260,000 or 270,000 a-year, and that we have not imported any foreign corn during the last four years.

But besides the improvement of the country, and the consequent increase of traffic, may we not also look for great improvements in the construction of locomotive engines, and in the whole machinery and management of railroads? These are admitted, on all hands, to be in their infancy; and yet the House of Commons has been legislating with respect to them as if they had already attained to the highest degree of maturity and perfection. Parliament fixes a rate of charge, supposed to be capable of yielding a profit to a company using the present engines upon roads of the present construction; so that if, as is most probable, the engines and roads should be so much improved, and the costs and other charges so much reduced, as to enable them to perform the same amount of work for a half or a fourth part of the present cost, the public will be shut out from all participation in the advantage!—Would not this be monstrously injurious to the interests of the public? And is not Parliament bound to provide against such a contingency?

The Legislature seems to have been always impressed with a conviction that while, by protection and the granting of peculiar privileges, it gave all due encouragement to enterprise and the undertaking of great public works, it was also bound to provide that the subscribers to them did not, by means of their peculiar privileges, acquire exorbitant profits at the expense of the public. It is to be regretted, that the measures devised in this view have been singularly ill fitted for the attainment of their professed object. They have consisted mostly in the limitation of the rates of charge for the services rendered, and, in a few instances, in the limitation of the dividend. But the limitation of the rates of charge is, in a progressive country, good for little or nothing. The increase of population and trade has been so very great, that a toll that would have yielded an ample profit on a railway constructed a dozen or twenty years ago, might now, perhaps, yield an equal amount of profit were the rates reduced a half. Nothing, in fact, can be more improvident, or more absurd, than that Parliament should, once for all, fix the rate of toll when an undertaking is entered upon, and divest itself, unless by violating the right of property, of the power to reduce that rate in all time to come, how greatly soever it may exceed what would be a liberal return for the capital vested in the undertaking. I need not add, that it is of the greatest importance to the interests of the public that the cost of internal communication should be reduced as low as possible. The limitation of the dividend is a practice found to be as ineffectual as the fixing a maximum on the rate of charge. The public has no check on the system of management, nor can it explore the thousand channels in which profits may be distributed under other names among the subscribers, nor has it any means of preventing the wanton and extravagant outlay of money on the works, &c. To make the provision for limiting the dividends good for anything, it would be necessary that all the proceedings of a company so limited should be controlled by Commissioners appointed by Government. But I am aware that the objections to this are so numerous and obvious that I do not press this part of my resolution on the House.

For these, and a variety of reasons, I am clearly of opinion that Parliament should, when it establishes companies for the formation of canals, railroads, or such like undertakings, invariably reserve to itself the power to make such periodical revisions of the rates of charge, as it may under the then circumstances deem expedient. It should have the power to examine into the whole management and affairs of each company, to correct what may have been amiss in the former, and to fix the rates of charge for another period of years: always taking care that the proprietors are allowed a fair return for the original outlay of capital, as well as compensation for the risk which such undertakings are generally more or less subject to.

There is not the shadow of a reason for thinking that the reservation of the power to revise the tariff of charges, at defined periods, would prevent any undertaking from being entered upon, that promised a reasonable return; and in most cases, it would be a waste of the public capital to engage in any other. Those who take shares in canals and railroads, with the intention of holding them, do not look to exorbitant, but to reasonable profits for remuneration; and these would not be affected by the proposed provision.

When peculiar privileges and a substantial monopoly are conferred on any set of persons, the public interests ought always to be secured against their abuse: if competition afforded this security, it would be unnecessary, and therefore improper for the Legislature to interfere; but in cases of this sort competition can do really nothing, so that security against abuse must (if sought for at all) be sought for in positive regulations.

The principle for which I have been contending is not a new one; it is one indeed which is frequently acted upon, and has, in many cases, received the sanction of the Legislature. The limitation of rates and of dividends, to which I have already adverted, involves in fact the principle for which I am contending; and our Turnpike Acts, which are generally, I believe, granted for twenty-one years, are somewhat analogous. The cases of the Smalls', the Longships', the Dungenness' Lights, and other private light-houses, are instances in point. The parties by whom these light-houses were erected, were authorised to charge certain rates for a specified term of years, on all ships coming within a certain distance of their lights; the light-houses becoming, at the end of such terms, the property of the Crown or the public: and yet though this be a more stringent regulation than any I propose introducing, the arrangement has always been regarded, and with justice, as a most improvident one, on the part of the public. The Smalls' light yielded its proprietors in 1831-32, a nett revenue of 10,973*l.*, and when the Trinity House proposed to purchase it, the price asked for the residue of the term was 148,000*l.* The case of the Skerries' light-house is even more striking: it was made over for ever to private individuals by an Act of the 3rd of George 2nd, when the rates of charge were fixed; and it now produces, such has been the increase of trade, above 12,500*l* a year, nett revenue, over and above what is necessary for its maintenance.

But important as it is to have the charges on account of lights, as low as possible, it is infinitely more important that the charges on the principal lines of inland communication should be regulated by the lowest standard that will suffice for their establishment and efficient maintenance. If the giving of power to the proprietors of the Smalls' light-house, to exact certain fees on all shipping for ninety-nine years, evinced a culpable inattention to the public interest; what are we to think of allowing the proprietors of railways to charge certain fees on all parties using them, in all time to come, though the traffic upon them be increased a hundred or a thousand fold? The history of the London Water Companies shows, also, how important it is that some such power as I am contending for, should be retained in the hands of the Legislature, when creating associations to which the ordinary principles of competition do not apply.

The Americans have set us a good example in the management of their public works, and in the proceedings in their legislatures. Whether their practice in this respect be owing to the peculiarities of their social condition or the nature of their political institutions, or to what other cause, I will not venture to conjecture. The Erie Canal in the state of New York, one of the most important public works in the world, was completed only in 1825. It has proved a very prosperous concern; and notwithstanding that polls have been progressively reduced, (between 1832 and 1834 two years only, as much as thirty-five per cent.) the revenue has increased. But not only have the tolls been reduced, there is already accumulated a surplus of five millions of dollars; in the year 1837 the whole outlay will be repaid, and this magnificent undertaking will in twelve years have paid the whole cost of its construction and other expenses, and become the property of the State, leaving whatever revenue the Legislature may think it expedient to raise beyond the necessary expenses of management and repair, to be applied to the formation of other public works, or to remit taxes raised for the general expenses of the State. In the United States I believe there is no railroad so ancient as that between Manchester and Liverpool, the first having been completed in 1827, but they are, to borrow a phrase from that country, "progressing" at an extraordinary rate. I find the State of New York alone, granted acts of incorporation to twenty-four rail-road companies as far back as 1832, and others are forming, I believe, at this time in every State of the Union. I will trouble the House with some particulars of one only. They refer to that between Boston and Providence.—By Act of Legislature the dividends are limited to ten per cent., at the expiration of twenty years the State may take the property, paying the stockholders at par, and making up the dividends at ten per cent. for the whole twenty years, if the revenue should fall short of the amount.

And now, Sir, allow me a few words as to the particular motion with which I shall conclude. Some hon. Members, admitting perhaps the existence and magnitude of the evils I wish to provide against, may not consider the proposed reservation as affording the best or most effectual remedy. They may think that, after a certain term of years the roads ought to become, as in the case I have just cited, the property of the public. I have not ventured so far. There are many serious objections to any such resumption, and I doubt if a single advantage could be obtained by making these roads public property which will not be as effectually secured by the plan I propose, for a revision of the rates after a certain number of years. As to the proposed term of years it is one to which I am not particularly wedded, a few years more or less being of little importance. It may be said, perhaps, that the intended provision comes too late, seeing that some of the principal lines are already occupied; but this is no reason for deferring the measure, though it be a good one for carrying it into effect, with as little delay as possible. It is high time certainly, that the efforts of the Legislature should be directed more effectually to the protection of the public interests in this particular, than it has hitherto been, otherwise great injury will be done, and great public dissatisfaction will eventually be created.—I beg Sir, to move—

"That in all Bills for Railways, or other public works of that description, it be made a condition, with a view to the protection of the public interests, which might otherwise be seriously compromised, that the dividends be limited to a certain rate, or that power be reserved to Parliament of revising and fixing at the end of every twenty years, the tolls chargeable on passengers and goods conveyed."

Mr. *Gisborne* was opposed to the first branch of the alternative in the hon. Gentleman's resolution—namely, that which proposed to limit the amount of the dividends. In his opinion, that would be the sure way of securing improvidence in the management of the affairs of any company. The hon. Gentleman had referred to the Turnpike Act in support of his proposition. He (Mr. Gisborne) had never known a case in which the tolls had been reduced. The other branch of the alternative in the hon. Gentleman's resolution—namely, that which reserved to Parliament the right of revising and fixing at the end of every twenty years the tolls chargeable on passengers and goods, he should not oppose. Some limit to the continuance of existing tolls appeared to him to be very proper. Whether twenty years was the period at which the revision of them ought to take place he was not then prepared to say. It appeared to him that the hon. Member for Ipswich under-estimated the value of competition in keeping down the rates. As to the illustrations which the hon. Gentleman had derived from American legislation on the subject, they appeared to him (Mr. Gisborne) to be inapplicable. In America the projectors of canals or railways were not required to give large bonuses to landed proprietors. There was a phrase in the last part of the hon. Gentleman's resolution which he confessed he did not understand. On that, however, he would not dwell. But, supposing the resolution were agreed to, he presumed the hon. Gentleman would bring in a Bill founded upon it. Now was there any probability that such a Bill could pass both Houses of Parliament during the present Session? He should think it a great injustice if the Bills already passed were not subjected to the same restriction as that which the resolution purposed to impose upon all Bills not yet passed, or that might hereafter be introduced. His objections to the resolution were not so strong as to induce him to divide the House against the adoption of it, but at the same time he hoped the hon. Gentleman would consent to withdraw the first clause, and confine himself only to that part of it which proposed to give to Parliament the power of revising and fixing the amount of tolls, at the end of particular periods. If the hon. Gentleman would consent to adopt that course, he (Mr. Gisborne) should see no objection to the passing of the resolution; but at the same time he thought it ought only to be adopted upon the full understanding that it was to have no effect in itself, and to be considered only as a mere declaration of opinion on the part of the House, unless it were followed up by some ulterior measure, which should extend its operation as well to Bills already passed, as to those at present under the consideration of the Legislature.

Lord *Stanley* was fully sensible of the very great importance of the subject, and he thought the thanks of the public were due to the hon. Member for Ipswich for submitting such a resolution to the House, particularly at a time when speculation on railroads was carried to a very great extent. At the same time he was bound to say, that although he concurred in the general principle of the resolution, he was by no means prepared to assent to it in the shape in which it then stood. The wording of it, he thought, was open to many objections. In the first place, he should be altogether opposed to any attempt that might be made, either by a resolution or a Bill, to fix the *maximum* or *minimum* of profit that any Railway Company should be allowed to enjoy. In support of a provision of that kind, the hon. Member had referred to the clause introduced for that purpose in the Manchester and Liverpool Railway Bill; but all the world knew that that provision of the Bill had always been, and would always be practically evaded. At the same time, he quite concurred with the hon Gentleman, that it was necessary for the protection of the public that there should be a power vested in the Legislature, of limiting in some manner the profits which these companies might derive after the lapse of a number of years; and he also agreed with the hon. Gentleman, that this could only be done by periodical revisions of the tolls or rate of carriage. Railroads, from their very nature, must always be a virtual monopoly. It was necessary, therefore, to give the public a protection against them. Improvements in machinery might enable the proprietors of railways to carry passengers at a much less cost, and yet at a fair profit to themselves. But unless a power were somewhere vested of revising the amount of the toll, the public in every instance, where a Railway Bill had been passed previous to the adoption of the improved machinery, would be for ever deprived of that advantage of cheap communication which they would otherwise enjoy from the improvements in science. The only possible remedy for this would be such a periodical revision by Parliament as the hon. Gentleman proposed in the latter part of his resolution. He should be disposed, therefore, to support that part of the resolution, excluding some of the words which were mere surplusage, and which would therefore be open to objection, if upon that ground alone. He thought the resolution ought to stand in this shape: "That it be made a condition prior to the passing of any Railway Bill, that power should be reserved to Parliament of revising and fixing, at the end of every twenty years, the amount of tolls to be levied under the said Bill." A resolution of that kind he thought would not only be not objectionable, but highly desirable. Then came the question—How were they to deal with the matter practically, or what was the resolution to do? Upon that point he (Lord Stanley) differed from the hon. Gentleman, who thought that such a resolution ought not to be applied to the Bills now in progress through Parliament. He thought it should be applied to every one of them; and whatever the objection upon general grounds might be, he thought that they ought in this instance to run all the risks of making an *ex post facto* law, and to apply it to all Bills which had already passed in the course of the Session. Because, if to the Bills already passed it were an objection that they conferred a monopoly, that objection would afterwards apply to them with double force, if they were permitted to continue to reap unlimited profits, whilst the profits of all railways subsequently established should be subject to the periodical revision of Parliament. As far as the objection on the score of monopoly went, therefore, he thought they were likely only to increase the evil, unless they followed up a resolution of this kind by a Bill applying the same principle to all Bills passed in the present Session of Parliament. What the time should be he did not pretend to say. Twenty years might be too long or too short, but whatever period should be fixed upon he thought it ought to be calculated as commencing, not from the passing of the Act, but from the time at which the railway came into operation. Many railways might take five or six years in their construction, and during that time, of course, the parties would be receiving no interest for their money. He thought that they ought to have the whole benefit of the period that Parliament should fix upon, whatever that period might be. When that period expired, Parliament would see whether they had derived a fair and reasonable profit, and whether, by improvements in machinery, a fair and reasonable profit could not be continued to them at a reduced rate of carriage. He repeated, that he should be prepared to support the resolution so amended as to embrace the propositions he had just stated; but, at the same time, he doubted whether, if it were necessary to bring in a Bill to apply the principle of the resolution to all measures passed in the present Session, it would be desirable for the hon. Gentleman to press his motion in the shape in which it now stood. He thought it would be much better that he should at once move for leave to bring in a Bill upon the subject. He should not be disposed to support a resolution of the kind proposed, unless he were certain that a Bill extending it to all railway measures would be subsequently carried. He thought, therefore, that the most advisable course for the hon. Gentleman to pursue would be to withdraw the present motion, and to move for leave to bring in a Bill imposing upon all railroads that had passed, upon all railroads at present under consideration, and upon all that might hereafter be proposed, this condition, that they should be subject to the revision of Parliament at the end of such a time as Parliament should think fit to fix.

Mr. *Poulett Thomson*, like the noble Lord who had just sat down, could not give his consent to a resolution of this kind unless it were to be made applicable to all railway Bills which had already passed. It would be most unjust to apply a rule to railroads hereafter to be undertaken which was not made applicable to those already commenced. The number of years at the end of which a revision should take place was a very fit subject for the consideration of a Committee. As far as he (Mr. Poulett Thomson) could form any opinion upon the subject, he should think twenty or twenty-one years would be the most proper period that could be fixed upon; but before any decision were come to upon that point, further consideration would be necessary. In any Bill upon the subject introduced by his hon. Friend, the Member for Ipswich, he should also be glad to have a provision introduced imposing upon all railway companies the obligation of making returns to Parliament of a statistical nature, by which the House might be placed in possession of the number of passengers conveyed on each railroad, the weight of goods carried, speed, wear and tear, &c. If a clause imposing such an obligation upon all companies were introduced into the Bill, he thought great advantages would result from it. Owing to the kindness of the proprietors of the Manchester and Liverpool railroad, he had received, with respect to that line of conveyance, such a statement as he had described, and he begged to assure the House that nothing could be more interesting. It threw a great deal of light upon these undertakings generally, and pointed out, in a striking and incontrovertible manner, the great advantages which the public derived from them. He trusted that his hon. Friend would yield to the suggestion of the noble Lord, namely, withdraw his motion, and move for leave to bring in a Bill.

Viscount *Sandon* heartily concurred in

the spirit of the proposition. He thought that Parliament ought not to confer upon any body of individuals the complete and positive control over such vast undertakings.

Mr. *Hume* rose only to make a single observation. His hon. Friend, the Member for Ipswich, had alluded to an instance of the pernicious effect of vesting a monopoly in individuals which ought not to be passed by with indifference. He meant the monopoly given to a particular person in a particular lighthouse, from which, for years past, that individual had been in the receipt of not less than 13,000*l.* per annum. He thought that that single instance ought to be sufficient to induce any hon. Gentleman present to support the Bill which he hoped his hon. Friend would introduce, embodying the substance of his present resolution. It would certainly be unjust to apply the principle to any railways unless it were applied also in the instance to which he alluded. He, therefore, agreed with the noble Lord (Stanley) that the most advisable course for his hon. Friend, the Member for Ipswich, to pursue would be to withdraw the present motion and move for leave to bring in a Bill.

The *Chancellor of the Exchequer* had only one remark to offer. As a Bill of this description was about to be introduced, as it appeared, with the general concurrence of the House, he hoped he should be allowed to avail himself of the opportunity that would then be afforded, of carrying into execution a design which he had long contemplated, namely, to introduce a provision making it obligatory upon all railways to convey his Majesty's mail at the same rate as they carried all manner of other goods. A provision of this kind would be necessary, because as railways were monopolies, they might otherwise make what exorbitant charge they pleased for the conveyance of the mail.

Mr. *Morrison*, after the general expression of the feeling of the House, begged to withdraw his motion, and in its stead to move for leave to bring in a Bill to the effect stated by the noble Lord.

Resolution withdrawn.

On the Question that leave be given to bring in a Bill,

Mr. *E. Denison* rose to express a wish that the Bill about to be brought in should be made retrospective beyond the point yet suggested. Instead of being confined to Railroad Bills passed in the present Session, he thought it should be made to have a retrospective operation upon all railroads now in operation in all parts of the kingdom.

Leave given.

CARLOW.—EJECTMENT OF PEASANTRY.] Colonel *Bruen*: If the hon. Member for Greenock meant to proceed with his Motion, he begged in the first place to present a petition which had been placed in his hands, from certain landed proprietors and freeholders of the county of Carlow, denying the allegation that they had thrown out of their possessions any of their Roman Catholic tenantry on account of the votes given by them at the last election.

Petition laid on the Table.

Mr. *Wallace* believed, that there were a great many respectable persons in the county of Carlow, whose names were not attached to that petition. He begged to remind the House, that his Motion originated in a petition presented from one of the late Members for the county of Carlow, Mr. Vigors, in which certain allegations were contained which the hon. and gallant Gentleman who now sat for the county, Colonel Bruen asserted, were not founded in fact. There was also another petition which he (Mr. Wallace) had presented from the tenantry of the Messrs. Alexander, landowners in the county of Carlow. Independently of the allegations set forth in those petitions, there was in the Report of the Select Committee on Bribery at Elections, a mass of evidence, the whole of which it would be impossible for him to read to the House, but the substance of which would convince every one whom he addressed, that the Roman Catholic tenantry of the Protestant landlords of Carlow were acted upon by a combination which he could not call otherwise than illegal, and under the influence of which they would be driven from their possessions, and be supplanted by those who professed the Protestant faith. He firmly believed, that a combination of that kind did exist amongst the Protestant landlords of Carlow. He had stated that belief on a former occasion; and although ample opportunity had since been afforded, the allegation had never been denied. It was moreover asserted, that there was an agreement upon oath between the Protestants in that county, to keep up, by every means in their power, that combination which would have the effect of removing the Roman Catholic tenantry from their possessions, and substituting a Protestant tenantry in their place. In the evidence given by the Rev. Mr. Maher before the Bribery Committee, there was a continuous strain of argument and of fact in proof of the assertion he (Mr. Wallace) was then putting forward. There was one instance related by the Rev. Mr. Maher with respect to the hon. and gallant Member for Carlow (Colonel Bruen) of no ordinary nature. It was stated in the evidence, that the hon. and gallant Member was asked—"Have you taken any means to dispossess your tenantry, where they have not been behind hand with their rents, and where they have given you no offence but by voting against you?" The reply of the hon. and gallant Member was —"I have done so; and I may mention particularly the case of the man named Keogh. I took from him seventeen acres of land because he voted against me, and I have also taken care that he shall not be restored." He thought that that one instance was enough to prove the *animus* by which the landlords of Carlow were actuated. Under these circumstances, he could not anticipate that the Government would refuse to appoint a Commission of Inquiry to ascertain whether the allegations against the Protestant gentry on the one hand, and the Roman Catholic Priesthood on the other, were true or not. For his own part, he did not believe, that the allegations which had been made against the Roman Catholic priests were true. He thought they were a class of men who had well discharged their duties, and indeed it was truly marvellous to him, considering the state of Carlow for some years past, and the manner in which the Protestant landlords had treated their tenantry, that they had forborne as they had done; and he could easily foresee, that unless means were taken by the Government in Ireland to check such proceedings, things would soon be brought to a state which would render some legislative measure necessary to protect the Catholic peasantry in Carlow, and other parts of Ireland. It appeared from the evidence, that one of the means adopted to coerce the people, had been depriving them of the comfort of a fire! The tenantry were not only prohibited the free use of the bog-land for this purpose, but even from purchasing it; of this he believed the truth could not be doubted. Since the first petition had been presented upon the subject—indeed, within the last few days—a statement had been placed in his hands which went to verify all the material and important points of the allegations contained in the petition presented from Mr. Vigors. This statement, which was published in the shape of a pamphlet, described the different townships in the county of Carlow, from which Roman Catholic electors, and Roman Catholics generally, had been ejected. From this narrative it appeared, that from the estate of the hon. and gallant Member (Colonel Bruen) there had been ejected ninety-three families, comprising 503 individuals; from the estate of Mr. Newton, forty-one families, comprising 235 individuals; from the estate of Lord Beresford, 103 families, comprising 588 individuals; from the estate of Colonel Latouche, sixteen families, comprising ninety-nine individuals, making a total of 253 families, and 1,425 individuals. And it further appeared, that since those ejectments had been effected, there had been issued notices to quit on the hon. and gallant Member's (Colonel Bruen's) estate to twelve families, comprising seventy-nine individuals; on Mr. Alexander's estate, to seventeen families, comprising ninety-six individuals; on Major Parsons's estate, to twenty-two families, comprising 112 individuals; on Mr. Brewster's estate, to thirty-four families, comprising 174 individuals; so that, in the course of a very short time, the gross number of the ejectments of Roman Catholics in Carlow would amount to 338 families, comprising 1,886 individuals. But that was not all; since this statement had been put into his hands, private letters had been shown to him which went to show that somewhere about 200 Roman Catholics had been ejected by other landlords for the same causes in the same county; so that the gross total of the persons turned out of possession within the last three or four years did not amount to less than 2,000. It was, perhaps, hardly necessary for him to observe, that the condition of the unhappy creatures thus dispossessed was that of the most abject misery. The hon. and gallant Officer had said that the tenants moved of their own accord; if they did, it was because means were taken to induce them. They were led to believe, that if they did not, it would be the worse for them—that they would, on refusal, be exposed to the utmost severity of the law, but that if they assented, they would receive some little consideration, such as being allowed to take their beds away with them; a consideration of from 20*s*. to 50*s*. was also offered to them, if they would consent to pull down their houses, on the supposition that it would prevent any outcry about their removal. The severities resorted to were deserving of attention: there was a class of voters, who, when the time of an election arrived were directly called upon for their arrears of rent. There was another class of voters, who had, by a sort of tacit consent, been allowed to run into arrear of a portion of their rent, as a sort of abatement of it, but in the time of political contest, this allowance was forgotten; and for these very arrears the tenants were handed over to the tender mercies of the law, in a country where it was more unjustly executed than in any other, and in which Roman Catholics had no chance of obtaining justice in the courts. He had lately met an hon. Member who asked him what he intended to do with this motion? He told the hon. Member he should bring it forward, as he considered the inquiry necessary, in order that the House might see whether it were deceived or not in the statements made in it—and under the firm conviction, that a combination existed to drive the Catholic tenantry out of the country, and put Protestants in their place. The reply of the hon. Member was, "I have been to Carlow, all over it; I am acquainted with the landed interest there, and I am sure that in making such a statement you will be borne out by the fact." The testimony of this Gentleman was unimpeachable; he might be mistaken, but he thought not. He believed, that if the Commission were appointed, it would be seen that ejectments had been served upon whole villages of tenants who might happen to have been reluctant to vote according to the wishes of the landlord,—attended with an amount of law expenses, which this class of people were unable to bear. The general feeling of the Irish landlords was, that the tenants were bound to vote according to the landlord's wishes, and, that if they did not, it was not an unconstitutional act to eject them. He had already expressed his opinion, that the Roman Catholic priests did not deserve the character which had been attributed to them by the Protestants. He did not believe, that the Catholic priesthood had in any respect overstepped the bounds of their sacred duty. But if the severities practised by the Protestant landlords against their poor and helpless Catholic tenantry were allowed to continue, he hoped the priests would take a much more active part than they had hitherto done. [*Oh, oh!*] He would repeat the expression of that hope, since it excited hon. Members. If Protestant O'Sullivans and M'Ghees were allowed to travel the country for the purpose of arousing and exciting the Protestant population, it would become the duty of the Catholic priesthood to admonish their flocks as to the persons they should elect as their representatives in the House of Commons. He now came to another part of the subject upon which he must be allowed to make a few comments. The House would recollect, that he had some time since presented a petition from a Mr., or as he was called, Captain Woodcock. He had since ascertained that the petitioner was a lieutenant on half-pay, in the Dragoon Guards—a highly deserving character, an excellent and a very clever gentleman. Now, it was true that this Mr. Woodcock was a very considerable political agitator, and an unflinching opponent to Conservatism wherever it was to be found, whether in the county of Carlow or elsewhere. It was also true, that Captain Woodcock had done everything in his power to obtain for the different constituencies within his reach in Ireland such Members as he believed would best represent their interests in Parliament. There was nothing Captain Woodcock had done as a politician that was not highly deserving of the approbation of those amongst whom he lived. Now, when he presented that gentleman's petition, the hon. and gallant Member (Colonel Bruen) made two statements, which were worthy of observation: first, that he had been under the necessity of prosecuting Captain Woodcock for poaching; and, second, that Captain Woodcock had been obliged to appear at the bar of the House of Lords for some misconduct. Now he (Mr. Wallace) held in his hand the petition of Captain Woodcock, together with his game-certificate for the year in which the gallant officer opposite alleged he was prosecuted for poaching. Independent of this, he was also in possession of other and much more extraordinary information. Captain Woodcock averred that he was not prosecuted by the gallant Officer for poaching, but that the gallant Officer directed two of his tenants, named Nowlan, to prosecute him (Captain Woodcock) for trespassing on the land occupied by them. Now what was the House prepared to hear? Captain Woodcock was prosecuted by these two men. He went to the petty sessions to answer the offence alleged against him. When he arrived there what was his astonishment to find the gallant Officer

(Colonel Bruen), who, in fact, was his prosecutor, sitting upon the bench as a magistrate! As an English officer Captain Woodcock had seen nothing of this kind before, and the effect of it was such as to lead him to doubt whether he was in a court of justice or not. Captain Woodcock's offence was this: he had obtained permission from a number of persons to shoot over their land, and, well aware of the feeling that existed between the adverse parties in that country, he was determined, if possible, to give no offence. With that view, and to prevent the possibility of his trespassing on any of the enemy's territory, he asked those who gave him permission to shoot to send a person out with him to see that he did not get into the wrong country. In spite, however, of all his precaution, it so happened that he trespassed on a very small piece of a barren bog belonging to the gallant Member (Colonel Bruen). When told that he had no right to shoot there, his reply was, that he had leave from some of the tenants to go over the land held by them; but rather than do them any injury, he would leave the ground immediately. With that, he called his dogs together, and moved off. He had found no game, and consequently had fired at no game; yet for this trivial offence he was doubly prosecuted; for the two tenants of the gallant Officer brought two separate actions of trespass against him, and in each of these he was subjected to a fine of 10*l.* Captain Woodcock appealed from this decision of the petty sessions to the quarter sessions, when, what again was his astonishment to find the gallant Officer again appearing in the double capacity of prosecutor and judge! In one of the Carlow newspapers it was stated that the assistant-barrister who presided at the quarter sessions, finding himself at a loss, in consequence of the legal adviser of Captain Woodcock stating that he was impeached under one Act and tried under another, retired out of court with the gallant Officer (Col. Bruen) for the purpose of holding a consultation. The result was just what might have been expected—the original judgment was affirmed. Captain Woodcock, however, stated that he believed the decision on the appeal was entirely in opposition to the opinion of the assistant-barrister; and with that belief firmly impressed upon his mind, he boldly got up and told the court that they must at their peril attempt to levy the penalties—that they had acted illegally, and that they would never dare to carry their judgment into execution. Up to this moment the penalties had never been enforced. With regard to the transaction in the House of Lords, he did not know the noble Lord to whom the petitioner alluded; but he understood that something had been said by a noble Lord in the House which the petitioner thought injurious to his character, and he called that noble Lord to account; but afterwards, being sensible of his error, he immediately made the first approach to set himself right with that individual, which it seems the petitioner had no difficulty in doing. He was brought to the bar of the House of Lords, where he made an apology or statement; and such was its effect, that he was discharged without being called upon to pay the usual fees. This was the second petition presented by Mr. Woodcock, intreating the House to take such measures as would insure justice being done to the people of the county of Carlow, against whom there was a combination amongst the Aristocracy, which, if not looked at in time, would lead to the most injurious consequences. It was also his (Mr. Wallace's) opinion, that unless some immediate investigation was instituted, such scenes would be enacted in that county as every Member of that House would deeply regret. With these observations he had no hesitation in proposing that an Address be presented to his Majesty, praying—

"That his Majesty be graciously pleased immediately to issue a Royal Commission to proceed to the county of Carlow, there to inquire, first, into the whole facts and circumstances set forth in the petition presented to this House on the 15th of February by Nicholas Aylward Vigors, Esq., and since by other persons belonging to the said county of Carlow, and especially into those parts of the said petitions which relate to the persecution and ejectment of the Parliamentary electors of the said county therein referred to, by removing them from their homes and possessions, or otherwise coercing or maltreating them, to the injury or the ruin of them and their families; second, whether any and what measures would best secure the independence of the electors of the county of Carlow, and the purity of election in that county;—and to report their opinions, with the evidence, to this House touching all the matters herein referred to."

Mr. Hume seconded the motion.

Mr. *Hardy* believed those gentlemen who were sitting behind and around him had nothing very material to say with reference to the motion of the hon. Member for Greenock. That motion could not be considered extraordinary after Mr. Vigors himself had stated, that unless the facts contained in the petition he had presented to that House were fully inquired into, it was impossible they could ever ascertain what was really the truth, or come to any satisfactory conclusion upon the subject. The hon. Gentleman, in the speech with which he had accompanied his motion, had stated that, according to the allegations of Mr. Vigors, whole families had been ejected from their houses by the Protestant landlords of the county of Carlow, in consequence of the votes they had given at the elections for that county. Now Mr. Vigors had himself been examined before a Committee of that House, and in not one single instance had he succeeded in producing proof of improper conduct or intimidation on the part of any of the individuals against whom such accusations had been made. The same gentleman had stated that 1,000*l.* of Mr. Raphael's money was to be applied towards the relief of the persons ejected from their homes, but had not, in the course of his examination, been fortunate enough to prove that a single shilling of that money had been made use of for any such purpose. In the part which he had taken with reference to the Carlow election, he had acted from a sense of public duty, and he trusted he might be excused if he availed himself of the present opportunity to allude to an imputation which had been cast upon himself at the time Mr. Vigors's petition was presented. An hon. and learned gentleman, who was now no longer a Member of that House, had charged him with having been guilty of bribery himself. That charge was most calumnious and unfounded. In 1826 he had been defeated at Pontefract, as the advocate of Catholic emancipation. He had on that occasion petitioned against the return, and the circumstances of the election were brought under the notice of a Committee of that House. He was occupied five days in endeavouring to prove agency, but in vain. Upon that occasion Mr. Harrison and Mr. Sergeant Spankie were the counsel opposed to him, and Mr., now Baron, Alderson, and Mr. W. Adam, the present Master in Chancery, and who was now frequently seen in that House as a messenger from the Lords, were employed on his side. No question had been put by any of those gentlemen from which anything savouring of bribery on his part could be gathered or suspected; and he would repeat, that the charge was false and unfounded. He was ready to meet it in broad daylight, and at any time; but he could not let the opportunity afforded him by the present discussion pass over without giving it, as he had a right to give, his unqualified denial. He might plead, indeed, that a period of ten years had been allowed to elapse before that charge had been made or heard of. When, three years ago, he brought in a Bill against bribery and corruption at elections, and whilst that Bill was in its progress through the House, it was most extraordinary, could such a charge as was now brought against him be maintained, that no one then accused him of being an unfit person to bring that Bill forward, on the grounds of being guilty of the very things to put an end to which it was introduced. He thanked the House for its indulgence in allowing him to enter upon a matter so deeply affecting his character, and concluded by expressing a hope, that whatever steps the House should take with reference to the motion of the hon. Member for Greenock, they would take care that justice was done not only in regard to Carlow, but to any other part of the country which might ever become the object of a similar investigation.

Mr. *Hume* thought the attack which had just been made upon the late hon. and learned Member for Dublin was the most extraordinary he had ever heard. When Mr. O'Connell charged the hon. Member for Bradford with bribery, he never thought fit to stand up and deny it. Nay, the charge had been distinctly made against him twice, and yet he sat still. He spoke from his own knowledge of the fact. He was present when Mr. O'Connell twice charged the hon. Member with bribery, and he never rose to assert, as he had now, in the absence of Mr. O'Connell, done, to state that it was false, calumnious, and unfounded. As Mr. O'Connell was not now present, he thought that it would have been as well if the hon. and learned Member had waited a few days before he gave so direct a contradiction to the charge, knowing, as he must have known, that no explanation could then be given. But when the hon. and learned Member also said that Mr. Vigors did not before a certain Committee offer any explanation on the subject of the allegations contained in his petition, the hon. Member ought to know that that Committee was appointed under special instructions connected with the application of certain moneys, and that it would not have been possible for that Committee to have admitted any explanation of the kind.

Mr. *Hardy* was anxious to explain. He thought the hon. Member for Middlesex could not have been present when the charge of bribery was made against him, or the hon. Member must have known that on two occasions he had risen to address the House, and was on both occasions told by the Speaker, that the proper opportunity to give his explanation was, when the petition of Mr. Vigors should be brought forward. When the charge was first made by the hon. and learned Gentleman, it was on his bringing forward the question of the Carlow election. As soon as the hon. and learned Member had spoken, he went out of the House, as was usual in the course of such a proceeding; and he (Mr. Hardy) believed it was under the direction of the Speaker that he did so. Under such circumstances he did not think it proper to say anything in the absence of Mr. O'Connell. [*Laughter.*] Had he ventured to do so, he had no doubt that those hon. Gentlemen who now smiled would have told him what their opinion was as to his answering the hon. and learned Gentleman in his absence. Therefore he took the opportunity of doing so when he was in the House. That was exactly the fact. The hon. Member for Middlesex thought that the proper opportunity for taking notice of it had passed away. He had been anxious to take notice of it before; not that he apprehended anything from the charge, but because he had heard it said, in private company, that the charge had been made and not refuted.

Lord *John Russell* perfectly recollected on the former occasion that after the hon. and gallant Member for Carlow had made his statement, it was considered that the debate was at an end, and he (Lord John Russell) then rose and told the hon. and learned Member for Bradford, that as no question personal to himself was then before the House, it would be better for him to reserve his explanation until the motion on Mr. Vigors's petition was brought on. With respect to the present motion, it certainly was one entirely without precedent. He thought, to issue a Commission to inquire whether any person had been removed from his house and possessions in the county of Carlow during a certain period would be a most inconvenient course for the House of Commons to take. It would be a very doubtful and perplexing matter to inquire whether, on certain occasions, tenants had been ejected from their farms; because if the fact of their being ejected was established, the question would still remain whether they were ejected on account of their being bad tenants, in arrear of rent, or whether it was on account of the votes they gave at the elections. However, he did not mean to say, that a matter of this kind might not be made a proper subject of inquiry; but if so, it ought to be an inquiry either by that House, or by a Committee of its nomination. If the House should think it proper to enter into an inquiry of this kind, he should not be prepared to say, that he would oppose the wish of the House in that respect. But as to sending a Commission to Carlow, and still more as to the object which the hon. Member originally contemplated, that of inquiring whether the Vote by Ballot would not be a good remedy for the evil complained of, he conceived it would be a most unprecedented, and a most inconvenient course for the House to take. For this reason he should oppose the motion.

Mr. *Gully* observed, that it was very seldom that he claimed the indulgence of the House; but on the present occasion, after what had transpired, he begged to trespass for a short time on their attention. After having heard the speech of the hon. and learned Member for Bradford, it was quite impossible that he could refrain from making a few observations, inasmuch as he felt that he had himself in some degree calumniated the hon. and learned Gentleman—if what the hon. and learned Gentleman stated of himself was the fact. He certainly heard Mr. O'Connell accuse the hon. and learned Member on one occasion in this House of spending 7,040*l.* by bribing electors in the borough of Pontefract to the amount of 23*l.* for a single vote. On another occasion Mr. O'Connell repeated the charge, and yet the hon. and learned Member for Bradford did not give any explanation on either of those occasions. It was known, perhaps, to hon. Members, that on one election Mr. Raphael was a candidate for the borough of Pontefract, and of course his (Mr. Gully's) opponent. During that election a day never passed without his hearing it said by the people of Pontefract, that more money was spent by Mr. Raphael on that occasion, than ever had been spent at an election in that borough since Mr. Hardy was a candidate. These were the facts he heard. But even within the last three days he had received a letter from one of his constituents, in which he stated, that he had a great mind to send to Mr. O'Connell a letter he had received from the hon. and learned Member for Bradford when he was a candidate for Pontefract, stating exactly the sum he should receive on that occasion. He did not say for what purpose that money was to be given. The hon. and learned

Gentleman was no doubt acquainted with the writer of that letter. He had not got the letter with him, but would very readily produce it to the hon. and learned Member, if he desired it. He certainly at the time thought it very extraordinary, when the hon. and learned Member was making an accusation against Mr. O'Connell, and after being himself twice accused of bribing electors, that he did not instantly demand an inquiry into the subject himself.

Mr. *Hardy* should be very greatly obliged if the hon. Gentleman, the Member for Pontefract, would produce any letter addressed by him (Mr. Hardy) to any person, that letter should certainly be read to the House and the public; because if the hon. Member could produce any letter regarding bribery, it would be found stated in that letter, that he (Mr. Hardy) would have nothing to do with any proceeding of that kind, but would rather lose his election.

Mr. *Gully* said, he had the letter at home, and to-morrow he would bring it down to the House, to show that the writer had stated to him, that he had received a letter from the hon. and learned Member, and that he had a great mind to produce it to Mr. O'Connell.

Colonel *Bruen* was so anxious that the state of the county of Carlow, and particularly the proceedings there since the year 1830, should be inquired into, that he should support the motion of the hon. Member for Greenock. He had come down to the House prepared to enter at very great length into the particulars of the charge which had been so often preferred against him and other landlords in that county. But as he perceived the House desired that the discussion should as speedily as possible be brought to a close, he should confine himself to a brief explanation in reply to the hon. Member for Greenock. It had been asserted, that there had been a combination on the part of the landlords in the county of Carlow to extirpate from their possessions all tenants professing the Roman Catholic creed. Now, in the first place, he would meet this charge with a plain and distinct denial. There was not the slightest foundation for the charge. He did maintain, and he thought he should not be opposed in his position, that a landlord had a perfect right to dispose of his property in the manner he might think most fitting, without his being liable to be interfered with by that House, or by any other power. He maintained that a landlord had a right to ake a farm from a tenant who did not make it productive, and to transfer it to another tenant, who had better claims: The hon. Member claimed to be well-informed on the state of the county of Carlow, because he had been there; but he (Colonel Bruen) could tell that hon. Member and the House, that if he had made inquiries of the proprietors of land he would have heard accounts of outrageous and monstrous proceedings on the part of the Roman Catholics quite sufficient to justify him in desiring an inquiry, whether that inquiry was by a Royal Commission or through a Committee of that House. Before the system of agitation had been commenced, there was not a more peaceable county in Ireland than the county of Carlow; but such had been the effects of that system, that unless the law was better administered the landlords would be compelled to combine in defence of their lives and liberties, and the consequence must be a serious collision. The landlords had a right to do what they pleased with their own—so long as they confined themselves within the limits of the present law. The hon. Member's present charge was nothing more nor less than a repetition of a charge brought forward and answered before; and he (Colonel Bruen) thought that the circumstances of the priests not having been able, during the three months' interval, to bring forward new and better supported charges was pretty good proof of the weakness of the cause and the unsoundness of their allegations. The hon. Member for Greenock had complained, that the Carlow landlords did not give their tenants receipts in full; but the fact was, that the manner in which Irish tenants paid their rents was such as to preclude the possibility of receipts in full being given. They paid when, how, and what they liked, and frequently not at all; and it was extremely difficult to see how receipts in full could be given to tenants who got rid of their obligations in this manner. He hoped the landlords of Ireland would have recourse hereafter to measures of a different kind—such measures as would enforce the payment of the rent. Yes, he hoped that they would hereafter act on a different system. Then, as regarded Captain Woodcock. He remembered that ten years ago Captain Woodcock had been prosecuted for poaching on his (Colonel Bruen's) grounds, and that the result of that prosecution had been the conviction of Captain Woodcock, who found that his knowledge of the English law would not apply to Ireland. The fine was not levied, because the object of the prosecution had not been vindictive, but merely to show Captain Woodcock, that he could not shoot the game of the Irish landlords with impunity. On another occasion the same individual had been brought to the bar of the House of Lords, on the complaint of a Peer, and had there made a public apology. He was let off without payment of the fees from motives of consideration on the part of their Lordships. But the point which he (Colonel Bruen) more particularly wished to impress on the House was the state of the county of Carlow. Such was the system pursued there by the Roman Catholic party, that every man voting for the Conservative candidates did so at the risk of his life or property. Nothing could exceed the malevolence exhibited. On one occasion (and this he mentioned merely as an example of the length to which the feelings could be carried) a corpse had actually been torn from its grave in order to afford means for the gratification of the impotent spirit of revenge against the deceased for having voted against the popular party. He could multiply instances of that of which he complained, but he would abstain from mentioning more than one in addition. This circumstance had happened in his own presence. He alluded to an occasion when the town of Carlow was taken possession of by a mob of individuals collected from the neighbourhood, who retained possession of it eight days, during which time there were no military in the place, and when (after the interference at last of a few Magistrates) some show of authority had been made, thousands of these savages—[*Oh, oh.*]—yes, savages, for if he told hon. Members of their acts they would not cavil at the term—were collected in an open space in the town, opposite the few who had assembled under the direction of the Magistrates, and it was only by the intervention of the priests, that the yelling, hooting multitude, were restrained from rushing upon those opposed to them. This was a thing which had occurred within his own knowledge, and which was capable of proof by thousands of witnesses. But he would not weary the House by entering further into these details. He thought enough had been shown to prove the necessity for some inquiry on the part of the House, in order to prevent, if possible, the dreadful consequences which must arise from a collision between the landlords and the tenantry. It was immaterial to him in what form the inquiry was conducted; but he hoped that it would certainly be taken up by the House, and carried in such a manner as would render it effectual.

Mr. *Hope* did not rise for the purpose of saying anything on the merits of this particular motion, as he had already expressed his desire to forward the inquiry in any way that was calculated to bring it to a satisfactory issue. He confessed, however, that he felt surprised that the hon. Member for Greenock should have thought proper to make charges of so very grave a nature without having at the same time provided himself with something approaching to proof, and without supplying those opposed to him with some distinct and authenticated statement of facts, to which they might address themselves in explanation. He felt himself in the situation of not having had a single fact from the hon. Member for Greenock to which he could offer a reply in explanation. The one sole fact which the hon. Member adduced in support of his charges was, that an hon. Member of that House had, in conversation, admitted that the charges in question were in all probability true; but the speech of the hon. Member did not present any tangible point to which a reply could be offered in the way of refutation. The hon. Member, in referring to the petition of Mr. Vigors, had omitted to read the name of Lord Beresford, although that nobleman was mentioned therein; and this he took as a tacit admission that the hon. Member did not agree in the statement made against his Lordship. But in reference to that subject he would draw the attention of the House to a correspondence in a Dublin paper, between a clergyman named Maher, a curate on Lord Beresford's estate, and a Roman Catholic Priest named Tyrrell, brother of a gentleman of that name examined before the Carlow committee. The hon. Gentleman read extracts from the letters to which he referred. Father Maher wrote as follows, in *The Dublin Evening Post*, in April, 1835, dated Carlow:—

> Dear Sir.—We are sadly persecuted in this most unhappy county. You seldom write us a word of consolation, or a word to check our present landlords in their mad career. The offence of having exercised the elective franchise conscientiously, and in favour of a Whig candidate (Mr. Raphael), is not to be forgiven, at least in this world. The offender and his family are to be exterminated.
>
> N.B.—Lord Beresford has served two townlands with ejectments. Their offence is their Popish creed. Perhaps 500 persons are, by

> these ejectments, to be thrown houseless on the world. Nothing can save the people buta poor-rate. We shall very soon petition the House of Commons on that subject.

The following letter of Priest Tyrrell was published in a Popish journal *(The Leinster Independent)*, under the control of the priests, with the following introduction :—

> In justice to the accused, although he be a Beresford, we lay before our readers a letter of the Reverend Thomas Tyrrell, parish priest of Tyrril and contradictory of Mr. Maher's statement. Mr. Tyrell's object, in coming forward to vindicate Lord Beresford, is a laudable one, "to avert the evil."

Mr. Tyrrell's letter was as follows :—

> To the Editor of *The Dublin Evening Post.*
>
> April, 1835.
>
> Sir.—On the receipt of *The Evening Post* this day, I was surprised to see a statement there made by the Reverend James Maher, curate of Carlow, namely, that Lord Beresford had served ejectments on two town-lands in this county. Now there are but two townlands out of lease on Lord Beresford's property, in this county, and one of them is situated in my parish, named Knockbower, and no ejectment has been served there. I am sorry Mr. Maher would give credit to flying reports; he should consult those who are acquainted with the circumstances, before he brands Lord Beresford with such a mark. I am negociating with Lord Beresford for the tenants in the town-land in my parish.

The Editor of *The Evening Post* made a long commentary on the above letter, from which he would read one extract :—

> *The Evening Mail* and *Carlow Sentinel*, with their accustomed recklessness of truth, asserted that we were reluctantly obliged to admit the "utter fallacy" of the Reverend J. Maher's statements against Lord Beresford. So far from manifesting any reluctance, we were pleased at finding, by Mr. Tyrrell's letter, that the charges were groundless, and we rejoiced at it from our previous recollection of this excellent character of the noble Lord as a landlord."

Priest Maher again addressed *The Evening Post*, in a letter dated April 20, 1835, in which he observed, that

> Ejectments have not been actually served, only threatened, in Knockbower. I made a mistake. A respectable gentleman promised on the part of the tenantry to procure peaceable possession without putting his Lordship to the expense of serving ejectments.

He would also read extracts from a letter in reply to the above, in the same paper, by the Reverend T. Tyrrell :—

> April 24, 1835.
>
> Sir,—I perceive by *The Evening Post* of this day, that the rev. James Maher is at hi work again, and endeavours to make the world believe that he made no mistake in his first letter. How has he answered the statements respecting Knockbower, on which there were no ejectments served? By acknowledging the facts, and thereby giving his own statement a flat contradiction. When Mr. Maher writes again, he should be certain of the truth of what he puts on paper, before he indulges in such language. * * * My reason for troubling you at first was to shew the world that Lord Beresford was never oppressive, so far as my parish is concerned; never tumbled a cabin, though a good many in this town-land were out of lease since he came to the property; and, as fair play is a jewel, let me turn your attention to some of his acts of kindness, and I do think that Lord Beresford is kind-hearted and good, whatever may have been the cause of ejectments in other places. He has given a farm of forty acres to the old tenant, at my request, when his lease expired. He has continued four or five cabin-keepers in their cabins, charging no rent. He has forgiven arrears of a small spot of land to two orphans, and let them the land at a cheap rate. He commissioned me to pay one old tenant, incapable of labour, 5*l.* 4*s.* a-year. But these are trifles, when compared to the whole of what my parish owes Lord Beresford, who has given a lease of an acre of land for 5*s.* a-year for ever. On this acre, before the lease was obtained from him, or before he had the land, were built an excellent parochial-house and offices, and a very good chapel, with two school-houses. I leave these facts to speak for themselves. Mr. Maher perceives I let him down quietly. My politics are opposed to those of Lord Beresford and of Mr. Maher, one being a Conservative, and the other a Radical; but differing so widely as I do from both, I will not thereby be prevented from doing ample justice to either of them, or to any one.
>
> (Signed) THOMAS TYRRELL.

He could shew, and shall be ready to do so whenever the opportunity occurred—that Lord Beresford had made no distinction between Catholics and Protestants; and he could of his own personal knowledge assert that there were now more Catholic tenants on Lord Beresford's estate than at the period that the noble Lord entered into the possession of the property. He, in conclusion, thanked the House for the attention with which he had been heard, and said, that he should not have taken any part in the debate if he had not felt that it was his bounden duty to rise in vindication of the character of an individual against whom accusations had been brought forward without a shadow of foundation existing for them.

The *Chancellor of the Exchequer* had no fault to find with the speech of the hon. Gentleman who had just sat down. He had done no more than his duty, and required no apology, though he had offered one, for the zeal and readiness with which he had come forward to vindicate the conduct and character of individuals. He wished to address himself to the speech of the hon. and gallant Member who had immediately preceded the hon. Gentleman, which he thought required some animadversion, and afforded sufficient ground of objection to the form of the present motion. The hon. Member who had spoken from the back benches (Colonel Bruen) had made use of a phrase which they had often heard before, and the significance of which was well understood both in that House and out of it. The hon. Member had said, that he thought he had a right to "do what he liked with his own." With respect to the hon. Gentleman's property, no one was more disposed to yield to the position than he was; but with reference to the making use of property for the purpose of controlling the free exercise of opinion, he said, that a man had not a right to do what he liked with his own. He was not pronouncing any opinion with reference to the conduct of individuals engaged in the controversy which was the subject of discussion; but he was dealing with an opinion which he maintained ought never to be allowed to be stated within the walls of a representative assembly without contradiction. It was unfortunately true, that this right was claimed extensively in Ireland, and this was one of his grounds of objection to the present proposition.

Colonel *Bruen* merely begged to state that the right hon. Gentleman's argument was founded upon a misapprehension. He had stated that he had a right to do what he liked with his own; but he had added, provided he acted in every respect according to law.

The *Chancellor of the Exchequer* would take the hon. Gentleman on his own declaration. He would join issue with him. He admitted that a man had a perfect right to act according to law, but he would maintain that if a man used his legal right for the purpose of controlling the opinion of another, he violated the constitutional principles of a free Government. He was not assuming that the hon. Member entertained this intent on, he wished to guard himself specifically against being supposed to do so; but he would say, that if it were stated now, either by that hon. Gentleman, or any one else, that a man had a right to use his legal rights with the object and effect of controlling the free vote of a man to whom the law gave the suffrage, it was a perversion of justice. If any Gentleman did that, it was matter for the censure of every man: it was matter which called for the censure and animadversion of that House [Colonel *Bruen:* I do not say so]. Did hon. Gentlemen opposite agree with him? Did they say, that the rights of property ought not to be used for the purpose of controlling the votes of the electors? Did hon. Gentlemen say, that let the tenant vote for the landlord or against him, his position should continue the same—that no subsequent advantage should be held out to him if he voted for the landlord, and no disadvantage threatened if he voted in opposition to his wishes? If these were the opinions entertained on the other side of the House, they were his opinions also, and there was no disagreement or difference between himself and hon. Gentlemen opposite. But it was singular, that when he spoke of the rights of property, hon. Gentlemen opposite were so very vocal that the whole grove resounded with singing birds, and that the moment he spoke of the leaving of the rights of property to act for themselves, free and undisturbed by any undue influence, not a cheer was to be extracted from any one of them. He was against all intimidation. He was as much opposed to the intimidation of the priesthood described by the hon. Gentleman opposite, as to the intimidation of the landlords described by the hon. Member for Greenock. The principle for which he contended was freedom of choice, and whether elections were controlled by the spiritual power of the priest, or the threatened ejectment of the landlord, the freedom of election was alike disturbed. It was a degradation of spiritual functions on the one hand; it was a degradation of the rights of law and property on the other. These proceedings with respect to tenantry were not of very modern date in Ireland; they were matters of which notice had frequently been taken. So long ago as the year 1725, a resolution was entered upon the Journals of the Irish House of Parliament, for which he entertained no very great respect, to which he would refer. When they were talking of the freedom of choice on the part of the Irish tenantry, let them see what was the doctrine laid down by the Irish Parliament before the Union: "Resolved, that the obliging any tenant, by covenant of entry in his lease, to vote in the election of Members to serve in Parliament, for such person as the landlord shall direct, is a high infringement of the privileges of this House, and destructive of the rights and privileges of the Commons of Ireland." When the Irish House of Parliament had arrived at this resolution, should it be allowed that a man, by indirect means, should arrive at precisely the same result as if there were a clause in his tenants' leases compelling them to vote at the pleasure of their landlords? He regretted the debate had taken such a turn, as it gave rise to an assertion which would, if it were not met with a most decided and unqualified contradiction, have led to the supposition that the House of Commons countenanced the idea that landlords were at liberty to control their tenants as they pleased, and that the House of Commons was indifferent to the great principle of freedom of election. A case of intimidation was stated on the one hand, and met by a counter statement on the other. The censure of the House of Commons ought to fall with equal weight on both parties, if both parties violated the freedom of election. But did the hon. Member for Greenock think, after the statement, after the references to facts, after the declarations of opinion which had been made, that it was in Carlow, in such a state of society as he described, that he could, with any effect, or any advantage to the cause of truth and justice, prosecute this inquiry? Did the hon. Gentlemen opposite, who wished for investigation, think that it was on this spot, in the midst of influence and contention, among these savages, that the inquiry should be instituted? It had grieved him to hear the representative of a county in Ireland, apply such a term to any of its people. Was this the tone in which to approach the discussion of Irish questions in that House? The country was distracted by faction and religious dissensions. Was the speaking of the Roman Catholic clergy in the manner adopted by the hon. Member—was the description of thousands of persons coming into the county town itself as "savages"—the way to make matters better, or was it not the way to exasperate the worst feelings by which the country was distracted and torn, and to estrange the landlords and country gentlemen of Ireland from that tenantry with which they ought to be so closely connected? If he were called upon to express any opinion on the statements which had been made by individuals to gentlemen in that House, on the question under consideration, he should say, that the facts on both sides had been stated in terms of exaggeration and violence. He had no doubt, that in the heat of party—in the fervor of election contest, and the heat of religious excitement—the clergy taking that active part which they unfortunately did take in such matters, great errors had been committed. He regretted, as much as any man could, that the clergy of any religious persuasion should suffer themselves to be led by any circumstances to leave their sacred callings and become partisans. With reference to any other mode of inquiry, he should reserve any opinion he might be called upon to pronounce, until some other proposition was brought forward. With respect to the present motion, believing that it was not calculated to elicit the truth, and that it was calculated to embitter hostilities, believing that it was contrary to all precedent and form, believing that it intrusted to the commission proposed to be formed functions almost of a legislative character, not requiring them to report upon facts merely, but to report their opinion upon constitutional changes. Believing this to be the only effect and tendency of the motion, he felt no difficulty in at once refusing his assent to it.

Mr. *Warburton* was very much disposed to agree with the Government in thinking that a Commission, such as was proposed was not necessary, it being in fact proposed, to institute an inquiry into circumstances which were perfectly notorious. That intimidation had prevailed on the part of the landlords of Ireland, and that this species of intimidation had been met by counter-influence—intimidation, if you will—on the part of the priesthood, he did not believe any gentleman who had been a member of the Intimidation Committee would be inclined to dispute. The right hon. Gentleman who had just sat down, had referred to the proceedings of the Irish Parliament, but he might have adverted to a more recent period. He remembered Mr. Dawson's stating, when the Catholic Question was under discussion, that the freeholders of Ireland were driven to the poll like cattle to market. Were we so very quick to forget our ancient practices, as to believe that there was no intimidation now—no attempt to drive voters to the poll, like cattle to market, in these days? Who that knew what human nature was, could doubt it? Had not the hon. Member himself admitted the charge made against him by Father Maher, of depriving a man named Keogh of a beneficial lease. [Colonel Bruen: *No, no.*] Why, what were the hon. Member's own words before the Intimidation Committee? The charge of Father Maher was, that the hon. Gentleman's conduct towards this man Keogh, was influenced by his refusal to vote according to his wishes. How did the hon. Gentleman meet it? He would quote his reply, from the evidence. The question put to the hon. Member was, "Have you ever punished, or attempted to punish any tenants of yours, on your extensive estates, who have punctually paid their rents to you, and who bore a good and peaceable character, because they may have voted against your wish at elections?"—Answer: "I took seventeen acres of land from a man of the name of Keogh, under those circumstances." "State the particulars."—"Keogh came to me, and he stated that he was most anxious, and ready, and willing to support me, but that he had been threatened so severely, and was in such danger, that he thought it was impossible he could support me. I then endeavoured to prevail on him to vote for me. He told me that he would rather be at my mercy than at that of the other party. This man held seventeen acres of bog land, not as Mr. Maher says, by way of cheapening other lands he held, but really as a favour, and these were the seventeen acres of land that I took from him." It was nothing whether Keogh had promised the hon. Gentleman previously to vote in a different way if he could; it was admitted clearly by the hon. Gentleman before the Intimidation Committee, that he took away these seventeen acres of land from Keogh in consequence of the vote he gave. This was an instance of intimidation and influence on the part of a landlord. It was difficult to trace these cases to their source, and it was easy to detect the influence of the priests; and why? Because the influence of the priests was exerted openly, while that of the landlords was exerted in secret; because the priests were compelled to appeal publicly to the religious feelings of their flocks, and because the landlords appealed in secret to the fears and the poverty of their tenants. Let the House consider what the conduct of Government had been in obtaining information upon these points. He would read a letter of the right hon. and gallant Gentleman, the former Secretary for Ireland (Sir Henry Hardinge), written with this view. He did not complain of it, but it did ask for information only of one kind and on one side. The object of the right hon. and gallant Gentleman was to obtain instances of intimidation tending to breaches of the peace. The intimidation of the landlords being exercised in secret over individuals had no such effect, but the influence of the priests, being necessarily exerted over assemblies of people, might be construed as having that tendency.

The letter of the right hon. Gentleman was written in January, 1835, and was directed to Mr. Brownlie, one of the Police Magistrates in the South of Ireland. It was as follows:—

"DEAR SIR—I am much obliged to you for your constant communications on the subject of the elections.

"I receive from various quarters reports of the intimidation exercised by the priests over the Catholic voters, and many instances have been communicated to the Government, in which the desire on the part of the voters has been to support their landlords, but have been prevented by the denunciations of their clergy. There are also cases in which voters have asked for protection.

"You will be so good as to forward to me a short abstract of cases of intimidation, &c., that have come to your knowledge during the elections in the south, as well as the opinion of any of the magistrates with whom you may have been in communication.

"Also as to the effect produced by the precautionary measures adopted by the Government on requisitions from the Sheriffs, of moving troops and police into contested counties prior to the day of election; the question of military interference in the election may come before Parliament, and the means of full explanation should be at hand.

"I am, &c., &c.,
(Signed) "H. HARDINGE,"
"Castle, January 31, 1835."

The letter certainly alluded to events likely to occur tending to breaches of the peace, but did not allude to the conduct of the landlords, as tending to excite such results. Was such a letter, however, likely to prevent the landlords pursuing the conduct they had hitherto had attributed to them. He was of opinion, at the same time, that if a Commission was appointed, or a Committee sat until doomsday, they would not collect any farther information than was necessary to show the unfortunate situation of the tenantry of Ireland. A Committee, however, was still sitting on the subject of intimidation at elections in Ireland, but its proceedings had been postponed in consequence of the illness of his hon. Friend, the Member for Newport, to consider how a measure could be devised to give protection to voters on all sides. He trusted, however, that the labours of that Committee would soon be proceeded with.

Sir *Henry Hardinge* entirely agreed with the hon. Member for Bridport, that it was not necessary to present an address to his Majesty to appoint a Commission, or to have a Committee of that House, to inquire further into the circumstances of this case. He agreed with the hon. Member that the Intimidation Committee of last year went with great detail into the question before the House. This year the same Committee again met, but so little was the disposition of the Members to enter on the subject, that they had abstained from the inquiry. They did not appear to think that further information was necessary as to the conduct of the landlords; but they were satisfied with the evidence before the House, and did not think that more evidence was necessary as to the county of Carlow, or the other counties in Ireland. Other hon. Members also, who generally adopted the same views as the hon. Member for Bridport, thought that the evidence already obtained was ample. He would leave it to any hon. Member to say whether the intimidation of the priests in the county of Carlow, and in other counties in Ireland, as had been proved before the Committee, was not tenfold compared to that of the landlords. The hon. Member for Bridport stated, that the priests always exercised their influence openly, but the landlords resorted to secret intimidation. He denied that there was any act of intimidation on the part of the landlord over the tenantry, that would not instantly become known; but the priests interfered in a manner that was not known to the public, and worked upon the religious fears of the tenantry. He denied the premises laid down by the hon. Member; but he agreed in his conclusion, that it was not necessary to go further into the investigation of the subject. He thought that every hon. Member who had taken an impartial view of the subject, would agree that the hon. Member for Gloucester (Mr. Hope) had most completely vindicated his noble Friend, and refuted the charges brought against him as to his conduct to his tenants in Carlow. He believed that it had been satisfactorily shown to the House that Lord Beresford did not eject a single tenant from his estate in the county of Carlow in consequence of political feeling; hon. Members, therefore, should hesitate before they believed statements made in Ireland relative to the conduct of landlords, where party feeling ran so high. He did not mean to deny, that there were cases in which interference or intimidation had been resorted to by the landlords; but the intimidation on the part of the priests was carried to a much greater extent. It had been proved, beyond all question, before the Intimidation Committee that Father Maher had canvassed the voters for Carlow, accompanied by a great number of persons, and in a manner calculated to excite the utmost alarm in the minds of the voters. He went into the shops of a number of persons in the town of Carlow, attended by a crowd of persons, and solicited the votes of the occupiers in a manner which intimidated them to vote in a particular way. It appeared before the Committee that Father Maher never interfered to prevent the intimidation by the populace of the voters which he had canvassed, although it was his duty to do so. He would not go further into the case, but he would beg the House to place against the statement of Father Maher that of Father Tyrrell, with reference to the conduct of Lord Beresford to his tenants. When Father Tyrrell came before the Committee, he said that Father Maher laboured under a misapprehension as to the conduct of Lord Beresford, and that the statements made to him were not correct. For his own part he believed, that the people of Carlow, as well as of other Irish counties, was at present in such a state of excitement that freedom of election could not be ensured without the employment of a large military force. The hon. Member for Bridport had read a letter written by him from the Castle of Dublin, respecting the interference of priests at elections. He (Sir Henry Hardinge) had been much abused in consequence of having written that letter; and it had been said that he was anxious to carry elections by the bayonet, and to establish a military government. But what appeared to be the case before the Intimidation Committee? Why, every magistrate, every person connected with the police, and every impartial witness, said, that such was the violent state of party feeling, and such was the excitement at the elections for 1835, that it was impossible to come to anything like a fair result, or for the voters on both sides to come up to the poll, but by the agency of a military force. Some of the witnesses examined before this Committee said, that such a state of society as prevailed in Ireland was to be met with in no other part of the world, and this resulted from the intimidation of the priesthood and conduct of the landlords in consequence of such intimidation. He did not deny the latter point, but the conduct of the priests had been vindicated by the hon. Member for Greenock. On a calm consideration of the question he had come to the conclusion, that if they sent a Commission to Carlow to inquire into the subject, they would increase the excitement which had prevailed since the Reform Bill had passed. He was convinced that either the appointment of a Commission, or the nomination of a Committee of that House, to inquire into the subject would tend to increase the excitement that prevailed in Carlow. He thought that nothing was more clear than this from the evidence given before the Intimidation Committee, he therefore agreed with the noble Lord opposite in objecting to the motion, as well on the ground that there was no precedent for such a proposition as for the other reasons assigned by him.

Mr. *Sharman Crawford* said, the Catholic priesthood was forced to use their influence over the people with regard to political matters to counteract the intimidation of the landlords. But it was not merely the Roman Catholic priests who used their influence for that purpose. The ministers of the Established Church had exerted the power they possessed in a most improper manner; and he knew an instance of a minister of the Church of England who, at the Carrickfergus election, acted as agent for procuring money to be expended for corrupt purposes. Some years ago, when a question most interesting to Catholics was being discussed, the landlords attempted to force their tenants to vote according to their pleasure, and the Roman Catholic clergy then thought it their duty to interfere and they told their flocks that their eternal interest was involved in the manner in which they disposed of their franchise. He thought they were justified in doing so, for it was the duty of the clergy to enforce on their flocks that the exercise of the elective franchise was as a sacred trust, a matter of religion. To show by what means the landlords in Ireland attempted to control the votes of their tenants, he would mention the conduct of a landlord in Louth, who set fire to some part of the property of a tenant who voted against him. The tenant brought an action to recover the amount of his loss; and the indictment only failed, because he could not prove the property to be his. He was anxious that intimidation on all sides should be put an end to; and to effect this object, it was indispensably necessary that some sort of inquiry should be instituted. The hon. Member for the county of Carlow had called a portion of the peasantry of that county "savages." They might, unfortunately, be savages in appearance, but they were far from being so in heart. But suppose they were as rude and uncivilized as the hon. Member had described them—who made them so? was not the fault to be attributed to those who took every means to keep them ignorant and debased? If they were savages it ought not to surprise any one. But, they were not. He would confidently assert that there did not exist, in any part of the world, a people more grateful for any kindness shown to them, than the people of Ireland. No people would be more mild, tractable, and obedient to the laws for fair treatment, which they did not receive. When hon. Members talked of intimidation of electors, let him remind them that the ballot was the only cure for the evil. If hon. Members could find any other remedy, he had no objection; but if they could not, then they ought to try the ballot. If the people were really disposed to vote for their landlords, they should be protected in that wish,—and the ballot would be an effectual protection. As to the question, he thought there should be an investigation, that the House might know at which side the intimidation had been greatest and least defensible.

Sir *Robert Bateson* was not anxious to prolong the debate, but felt called upon to make a few observations in reply to what had fallen from the hon. Member who addressed them just now, and the right hon. the Chancellor of the Exchequer. They had heard complaints of an expression made use of in designating the assemblies that had taken place for the purposes of intimidation by some term borrowed from the conduct in which they were engaged and the objects which they had in view. The right hon. Gentleman had complained that bodies of men assembling for the purpose of intimidation had been described as savages; but he contended that when men resorted to such means to carry out their objects by violence and intimidation no peculiar nicety of phrase ought to be used in designating their conduct. The hon. Gentleman who had taken up the defence of the people had stated an instance that had occurred in the county of Louth, in which a landlord had burned a quantity of turf belonging to his tenant; but did the hon. Gentleman recollect what had taken place in that same county of Louth some years ago, when a body of armed men, to the number of forty, assembled and attacked "Wild Goose Lodge," in that county, and spared neither man, woman, nor child. Would any hon. Member pretend to say, that such conduct was not the conduct of savages? The hon. Member for Bridport had referred to the evidence taken before the Intimidation Committee, and had quoted the case of Keogh as an instance of oppression. The hon. Member stated, that Keogh had held seventeen acres of land from his landlord, not as respected any consideration of rent, but as a matter of favour. Now was it unnatural for a landlord to expect the support of a man so circumstanced with respect to him? It had been attempted in the course of the debate to draw a distinction between the influence exercised by the landlord and the influence exercised by the Catholic priest in Ireland. It was said, that the influence of the landlord was an influence exercised in secret, whilst the influence of the priest, to be effectual, was necessarily exercised openly. But that argument had been well met by his right hon. and gallant Friend. There was no influence so secret—there was no influence so absolute, so powerful, and he might add so deadly, as the influence which the Catholic priest used in the confessional. His right hon. and gallant Friend had properly maintained that the intimidation of the Catholic Clergy was a powerful and a dangerous intimidation, and that no comparison could be made between that and the exercise of the legitimate influence of the landlords. He believed that there was no better landlord than the hon. Member for Carlow, nor any one who had a stronger claim upon the regards of his tenantry. He should oppose the motion, as being uncalled for and unnecessary.

Mr. *Warburton* begged to be permitted to say, with respect to the subject of confession, there was no evidence whatever before the Intimidation Committee to prove that it had been used for political purposes.

Mr. *Francis Bruen:* Sir, it was not my intention to have said a word on this subject, but for the observations of the right hon. Gentleman the Chancellor of the Exchequer. I had thought that if the right hon. Gentleman had attended to the statement made on a former night by my hon. Relative, he would have found that my hon. Relative had given a full and complete answer to all the charges that had been brought either directly or by implication against him, and had shown to the satisfaction of every unbiassed mind that he had ever refused to use his power as a landlord to the injury of his tenants on account of their political opposition to him, even though frequently urged to it. But, Sir, as I am on my legs, I must say that I am unfeignedly rejoiced that the hon. Member for Greenock has at last brought forward his promised motion. This motion, Sir, is calculated to reveal the real facts of the case. I hail it as the means of doing so, and to it or any other means of searching inquiry into the real state of the terror and distress of the electors of Carlow, my hon. Relative and I will give our most cordial concurrence. He, Sir, has had an opportunity of making his defence, and not in the way defences are sometimes made now-a-days, by heaping foul and false charges, couched in no very gentlemanly or Parliamentary language, on others, but item by item, clearly, and satisfactorily, and circumstantially—just such a defence as conscious rectitude is sure to make. To that defence I should not have added a word except for the purpose of stating one fact peculiarly applicable to the charge of turning out families made against him in the petition now under discussion. Why, Sir, a short time ago it became absolutely necessary for public county purposes, viz., the building of a courthouse, to remove many poor families from their dwellings, not tenants of the hon. Member for Carlow county, nor having the slightest claim upon him. The jury assembled to assess the value, and gave a fair remuneration. What was the conduct of the depopulator of villages, the murderer by the slow process of cold and hunger? He actually, unsolicited, paid to each of these poor people double the amount awarded by the jury, lest they should suffer loss or inconvenience by removing. Does this argue a wish to turn poor people houseless on the world? I rejoice, Sir, that in this attack on the gentry of the county of Carlow, they have selected the individual in question. Neither he nor I have ever oppressed or persecuted, for political reasons, one individual elector. The glaring fact is, that no elector has been put out; and as for religious persecution, I can only say, that since I came into the possession of my property I have never turned out a single Catholic, but having at this moment nearly 3,000 English acres out of lease, covered with a Catholic population, I have divided the land among them in smaller portions than in my judgment I thought prudent, even for their own well-being, and have built last year fifteen slated houses, to preserve as far as in me lies their comfort and happiness; and yet, Sir, we are the individuals selected to be held up to the British public as monsters in human shape, callous to every feeling that dignifies man. But please God, if this Commission is issued, it will soon be seen who the monsters and cruel persecutors of the electors are. What have we done? The worst that can be said of us is, that we have asked for our rent, after waiting four years. The tenant, we have asked, has frequently voted against us; he has every right so to do. He has done more. With our own money, kindly left in his hands for his convenience, he has subscribed to the petitions against us; yes, our own money. And is it not superhuman, I had almost said superchristian, forbearance in us not at once to have insisted on all that was due to us, but we in many instances forbore. What is the conduct of the opposite party if any freeholder dare to vote against them in one county? Why the death's head and cross-bones system is instantly put in action. Some soft-hearted individual among the fanatic rabble may pray for his soul, though that is against orders, but no mercy in this world for his body. What say the priests from the very altars of the God of peace and love? I quote from evidence concerning Carlow now before this House. Put the brand of Cain on his forehead, hold no intercourse with him, assuage not his hunger, quench not his thirst, let the wife of his bosom spurn him from his own door—I shudder, says he, at the cruelty of the landlords demanding their rent. That is unheard of Tory persecution, without parallel in the annals of election oppression. I will visit these electors, says the priest, in the mitigated penalties of proscription and massacre in this world, and eternal damnation in the next. And these are the very persons that have sent this petition to the House. Who is the unimpeachable witness cited here to prove these allegations and calumnious papers? The Rev. James Maher. Now, I beseech the House to listen for an instant to the evidence now before it in regard to his love and attachment to the purity of election:—"Did Father Maher take an active part in the election of Carlow?—A very active part. Did Father Maher go round from house to house to canvass?—He was the leader, and was accompanied by great multitudes. He came to a man named James Butler's house, a Catholic, and a respectable woollen-draper. Mr. Maher entered, and asked for whom he voted. His wife answered for Mr. Francis Bruen. I was by when Mr. Maher stood at the counter. He turned round to the people, and said, 'Mark this house; grass shall grow at his door; he says he will vote against his county." Allow me to tell the House what was the consequence of this denunciation: no one bought from Mr. Butler—the Catholic merchants refused to sell to him; he, his wife, and eleven young children were reduced to starvation. Once more I beg the attention of the House. "Did Father Maher deliver a speech on the hustings?" Yes, he said, all who vote at the election, being Catholics, shall not vote for Kavanagh and Bruen: we will take our stand here daily in our capacity as priests, and know the name of the man who will vote against us. We will watch the recreant until he goes to the grave. Yes, upon the Catholic slave we will set a mark, who will vote against his God and his country." I heard the substance of this speech spoken myself. Now hear the short but significant address of another reverend gentleman, which will amply bear me out in all the facts I have stated:—"Any person who signified his intention of voting for Mr. Kavanagh had ceased to be a member of his Church, and was delivered over to Satan, the people should not eat, drink, or sleep with them; even their wives should abandon the apostates who would, in the face of God, vote for Mr. Kavanagh or Bruen, who was an Orangeman; and the curse of the Almighty would fall on them in this world, while, with the mark of Cain on their foreheads, they would go down to their graves for betraying their religion and their country." Any man who voted for Kavanagh or Bruen would be refused all religious rites, and run the risk of everlasting punishment. A freeholder, whose wife, in obedience to high spiritual orders closed the door against her husband, was found concealed from his pursuers in a gorse cover twenty-four hours after, in the month of December, at death's door, from the intensity of the cold. Are we not then justified in longing for this Commission, that the public and this House be no longer deceived who are now the monster and persecutors? I am here reminded by my right hon. Friend (Sir Henry Hardinge) of that observation of the hon. Member for Bridport (Mr. Warburton), who stated, that there was nothing in the evidence before the Intimidation Committee, to show that the confessional had been used for political purposes. I think if the hon. Member will refer to the Report of the Committee, he will find his mistake. I shall not trouble the House with the passage, but I shall content myself with stating its substance. It appears that a Mrs. Burgess, the wife of a farmer, went one evening to the chapel of the reverend Mr. Maher, for her private devotions, or for confession. While thus engaged, Father Maher sent for her into the vestry-room, and asked her which way her husband intended to vote. She refused to say; adding, that it was not a question which he should have asked her. She complained to her husband, and he complained of it to Dr. Nolan, the Catholic Bishop, who said that if Father Maher had done so he had exceeded his duty, and he (Dr. Nolan) was sorry for it. Father Maher afterwards wished the husband to retract his statement, but he refused to do so. May I not turn to those who accuse us, and ask if, in the reckless attempt to convert our town and county into a link of the vast chain of rotten boroughs subject to the control of that great Agitator and his allies, the priests, the bonds of civil society have not been burst asunder, the dearest charities of life violated, and the iron driven into the very souls of the people? Has the field of agitation which has borne so rich a harvest to the same hon. and learned Gentleman, never been watered by the tear of the widow and the orphan? Has the well-ordered compact first established in Carlow to defraud the Protestant clergy of their lawful property, to dash the very food from their lips, to denounce them to a fanatic rabble, so that they are literally counted as sheep appointed to be slain—has that compact never been cemented by the blood of parents and husbands? I protest, Sir, if the cries of widows and orphans ring in the ears of these lay or clerical agitators, they must be the cries of his own victims. How long will hon. Gentlemen opposite—English Gentlemen of probity and honour—be deceived by the audacious fabrications circulated by the very people that are guilty? How long will this House permit the atrocities which I have enumerated to be perpetrated, in order that a paramount influence may be gained, *per fas et nefas*, which boldly steps forward in this House to beard King, Lords, and Commons—to trample under foot the laws of the country—to dismember the empire, and drag captive at its chariot-wheels the executive Government of the country? Hon. Members have heard much stress laid in these discussions on the number of tenants ejected by landlords in the county of Carlow. Now, if any hon. Member will move for a return of the number of tenants so ejected, within the period to which the petitions refer, they will find that there have not been three so ejected in all. Sir, let me add, that if this House will boldly step forward, and say, that it will no longer be parties in conniving at these enormities—that the Reform Bill has become a mere mockery in Ireland—that the franchises of the electors have been forcibly seized and made merchandize of—that to effect this purpose a most cruel and intolerable yoke has been imposed upon the electors, the most galling that ever crushed the energies or afflicted the consciences of any portion of the human race. Then, and not till such a stand is made, may we entertain rational hope that the miseries of the people of Carlow and of Ireland will cease. Why, Sir, if inquiry be made, I have no doubt that for every two instances in which the votes of electors have been constrained by their landlords, 200,000 instances can be shown where they have been extorted by the influence of the priests. One word more: let this commission, or any other fair, unbiassed, searching inquiry, go forth, and I tell the House that when the aggregate of human misery, inflicted by selfish and sordid ambition in my unhappy county is accurately summed up; when the actors in these tragedies, be they who they may, must answer at I care not what bar—the bar of this House, the bar of the country, or at a more awful bar, where the cry of the widow and the orphan can no more be the mere pretence of subterfuge, or the fiction of party malevolence—I had rather take my stand among the gentry and landlords of the county Carlow, who have nobly stood forward in defence of the rights and liberties, the lives and properties, of their fellow-countrymen, than endure the load of guilt which must then attach to the disturbers, and agitators, and incendiaries of their country.

Mr. *More O'Ferrall* said, that it had not been his intention to say a word on this discussion, but as the hon. and gallant Member had alluded to the conduct of the landlords of the county of Carlow, and as he had said, that it was as good towards their tenants as that of the landlords of any neighbouring county, he felt it his duty, as representing the neighbouring county of Kildare, to say a word or two as to the practice of the landlords of that county. It was the practice there for landlords to place the amount of rent received in one column, and the deficiency of each payment in another, under the head of arrears. Now, in England, this deficiency was generally classed under the head of "abatement," and not claimed any more. In many parts of Ireland it was different, and in the county of Kildare it was, as he had said, the practice to put the deficiency under the head of arrears. Now, though that sum might be claimed at any time by the landlord, and that nothing was more easy for a landlord in that county than to say to a tenant, "If you vote against me I shall call in your arrears, or eject you," yet nothing of the kind was known there. With respect to the charges that had been made against the hon. and gallant Officer, (Colonel Bruen), he could not enter into them, as he personally knew nothing of them. When he had heard them made in that House, he wrote to a friend of his in the county of Carlow, to make some inquiry into the statements. His friend wrote him back that he found it impossible to go into every case, but that he had inquired into one case, and found it to be thus:—A person named Caulfield, who was a enant of the Duke of Leinster for some other property, had taken a farm from the hon. and gallant Member for the county of Carlow at the high war prices. As the rate at which he had taken the land was much beyond the prices that soon after followed, an abatement was from time to time made, but instead of being placed under the head of "abatement," the deficiencies were placed under the head of "arrears." A long arrear had thus accumulated, and at last the tenant not being able to pay the amount, asked as a favour to have the land taken off his hands, but within the last six or twelve months he had got notice to give up the land and pay off all the arrears, which he was obliged to do. This was all he could state on the subject of these charges. On the others he would not touch, as he had no means of knowing personally any thing about them. As to what had been stated by the hon. Member (Mr. F. Bruen) respecting the tampering of the priest in the confessional, and using his influence there for political purposes, he would observe, that the hon. Member, not having, he supposed, his spectacles near him, could not read the case; and his right hon. Friend who had called his attention to the Report of the Intimidation Committee, not being willing to undertake that office for him, the hon. Member stated the case only from memory. If, however, he had read the case, he and the House would have seen that the case had nothing to do with confession. The woman, Mrs. Burgess, had been in the chapel, and was called into the vestry-room by the priest, and asked how her husband intended to vote; but the vestry-room was not the confessional, and there was not a word said in the evidence about confession or absolution. If, however, any priest or bishop had been so debased as to make use of the sacred rites of his church for political purposes, he (Mr. More O'Ferrall) would say, that in the opinion of the vast majority of the Catholic priests and laymen of his country, he would be regarded as guilty of a gross violation of his duty, and the sooner such a man was removed from his clerical functions the better. With respect to the case of the Rev. Mr. Maher, he must say, that he had denied the whole of the statement against him. From these, and other parts of the hon. Member's (Mr. Francis Bruen's) statement, it would appear, that from the way in which he referred to what had been said by the hon. Member for Greenock, he (Mr. Francis Bruen) seemed not so very confident of his own conduct.

Mr. *Francis Bruen* thought he had already fully disposed of the accusations brought against him, and that it was not necessary for him to go further into them. With respect to ejectments, he would repeat that he had never turned a Catholic from his estate, and that he had never enforced such arrears as the hon. Member had alluded to.

Mr. *More O'Ferrall* must say, in justice to the hon. Member for the town of Carlow, that he had never heard him spoken of as a landlord in any other terms than those of kindness and respect.

Colonel *Bruen* begged to say, in explanation as to what had been said by the hon. Member for Kildare, that in the case of Mr. Caulfield, it was true he had taken the land off his hands at his own request. With respect to the use made by the right hon. Gentleman, the Chancellor of the Exchequer, of the term "savages," he was sorry to find his meaning so misconstrued. He had used the term in the warmth of discussion, and certainly had not intended to apply it to the habits of his constituents of Carlow, or to any other portion of his countrymen. They certainly were not savage in their nature. They were warm and headlong when under the influence of passion, but they were sorry after, if they did wrong. They had had no more than justice done to them in being described as of most kindly feelings, and they really would show themselves so on every occasion, but for that unnatural conspiracy which had been formed against them by priests and demagogues.

Mr. *Wallace*, in reply, said, after what had passed, it was not his intention to detain the House by any lengthened remarks, but he could not avoid adverting to the statement made by the hon. Member for Gloucester (Mr. Hope). That hon. Member had read a letter from the Rev. Mr. Tyrrell, in which he had exculpated Lord Beresford from the charges brought against him by the Rev. Mr. Maher respecting the ejectment from his estates in Carlow of many of his Catholic tenants, on the ground of their being Catholics. Now, he (Mr. Wallace) would not controvert the statements of the Rev. Mr. Tyrrell by any less authority than that on which they had been made,—namely, his own. In reply, therefore, to the letter of the Rev. Mr. Tyrrell of 1835, he would read the letter of the same individual at a subsequent period, when he had a better opportunity of being better informed on the subject on which he wrote. The hon. Member read a letter from the Rev. Thomas Tyrrell addressed to Mr. N. A. Vigors, dated in the present year, in which the rev. gentleman admitted, that he had been wrong in supposing that Lord Beresford had not ejected Catholic tenants from his estates. The letter went on to state, that not fewer than twenty-three families, consisting of ninety-one individuals, had been turned out of their houses, and many of them driven to the roadside as their only shelter; that not one of these had given a vote against the interest of the noble Lord, but that they were turned out on the ground of their being Catholics, and that the places of some of them had been supplied by the introduction of Protestant families from other counties. No answer had been given to the reasons on which he had brought forward this motion. It was true he had not insisted on the ballot as being the most effectual cure for many of the evils of which he had complained. He had not mentioned the ballot, because he thought it would only embarrass the case, but he agreed that it would be the best remedy. As to the comparative influence of the landlords and the priests, he was at issue with hon. Members opposite. He should be able to prove that the influence exercised by the latter was as nothing compared with the former.

The House divided.—Ayes 52; Noes 123—Majority 71.

List of the AYES.

Aglionby, H. A.
Attwood, T.
Baldwin, D.
Barnard, E. G.
Brady, D. C.
Bridgeman, H.
Bruen, Col.
Bruen, F.
Chapman, Lowther
Collier, J.
Crawford, W. S.
Duncombe, T.
Dundas, J. Deans
Elphinstone, H.
Ewart, W.
Fielden, J.
Gillon, W. D.
Grattan, J.
Hall, B.
Hardy, J.
Hector, C. J.
Hope, H. T.
Horsman, E.
Kemp, T. R.
Marsland, H.
Mullins, F. W.
Musgrave, Sir R. A.
Nagle, Sir R.
O'Brien, C.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Oswald, J.
Palmer, Gen.
Pease, J.
Philips, Mark
Power, J.
Roach, D.
Roche, W.
Rundle, J.
Ruthven, E.
Scholefield, J.
Seale, Colonel
Talbot, J. H.
Tancred, H. W.
Thompson, Colonel
Villiers, C. P.
Wakley, T.
Walker, C. A.
Williams, William
Williams, W.

TELLERS.

Mr. Wallace
Mr. Hume.

List of the NOES.

Agnew, Sir A.
Alston, R.
Arbuthnott, hon. H.
Astley, Sir J.
Bagot, hon. W.
Bailey, J.
Baring, F. T.
Baring, T.
Bateson, Sir R.
Biddulph, R.
Bish, T.
Blackburne, I.
Blamire, W.
Borthwick, P.
Bramston, T. W.
Burdon, W. W.
Chalmers, P.
Chisholm, A. W.
Clerk, Sir G.
Codrington, C. W.
Cole, Lord Viscount
Conolly, E. M.
Crawley, S.
Curteis, H. B.
Curteis, E. B.
Denison, J. E.
Dick, Q.
Dillwyn, L. W.
Donkin, Sir R.
Eastnor, Lord Visct.
Egerton, Sir P.
Elley, Sir J.
Etwall, R.
Fergus, J.
Fergusson, right hon. R. C.
Forbes, W.
Forster, C. S.
Gordon, hon. W.
Goulburn, rt. hon. H.
Hamilton, G. H.
Hanmer, Sir J.
Hardinge, right hon. Sir H.
Hastie, A.
Hawkins, J. H.

Hay, Sir A. L.
Hobhouse, right hon. Sir J.
Hope, J.
Hoy, J. B.
Hurst, R. H.
Jephson, C. D. O.
Jervis, J.
Ingham, R.
Inglis, Sir R. H.
Johnstone, J. J. H.
Irton, S.
Kearsley, J. H.
Labouchere, rt. hn. H.
Lefroy, A.
Lefroy, rt. hon. T.
Lennox, Lord G.
Lennox, Lord Arthur
Longfield, R.
Lowther, Lord Visct.
Lushington, Charles
Manners, Lord C. S.
Marjoribanks, S.
Marshall, W.
Marsland, T.
Maule, hon. F.
Miles, W.
Morpeth, Lord Visct.
Mostyn, hon. E.
Murray, rt. hon. J. A.
Nicholl, Dr.
O'Ferrall, R. M.
O'Loghlen, M.
Palmer, R.
Parker, M.
Parry, Sir L. P. J.
Pechell, Capt.
Pigot, R.
Plumptree, J. P.
Plunket, hon. R. E.
Praed, W. M.
Price, S. G.
Pringle, A.
Pryme, G.
Pryse, P.
Rae, rt. hon. Sir W.
Rice, rt. hon. T. S.
Ridley, Sir M. W.
Rolfe, Sir R. M.
Rooper, J. B.
Ross, C.
Rushbrooke, Col.
Russell, Lord J.
Russell, Lord
Scott, Sir E. D.
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, R. V.
Smith, B.
Somerset, Lord Geo.
Spry, Sir S. T.
Stewart, P. M.
Strutt, E.
Talfourd, Mr. Sergeant
Tennent, J. E.
Thomas, Col.
Thompson, Mr. Ald.
Townley, R. G.
Trelawny, Sir W.
Troubridge, Sir E. T.
Vivian, J. H.
Vivian, J. E.
Walter, J.
Warburton, H.
West, J. B.
Weyland, Major
Wilson, H.
Wortley, hon. J. S.
Young, J.

TELLERS.

Mr. E. J. Stanley
Mr. R. Steuart.

BURGHS—SCOTLAND.] Sir *Andrew Leith Hay* moved for leave to bring in a Bill for the purpose of establishing Town Councils in certain burghs of barony, royalty, and others, in Scotland, not Royal or Parliamentary burghs. It was a measure, he said, of which the advantage to large towns would be admitted by all persons acquainted with Scotland. At present those towns had no jurisdiction over their own expenditure in the way of paving, lighting, &c., and the consequence was, that many things connected with local government were totally neglected. The object of the proposed Bill was, to remedy these defects, and give them the means of providing against the disposal of general funds being at the will of an individual. He would not now enter into details of the measure, but merely content himself with stating that the intention of the Bill was to enable these towns to elect Magistrates who would have the direction and control of local arrangements.

Sir *George Clerk* hoped that the Bill would not be compulsory, but would leave it to the option of the inhabitants of those towns whether or not they should go to the expense of providing themselves with municipal bodies. He made this observation because he was aware of objections being made to the establishment of Corporations in many towns in Scotland, which dreaded the burthens that might be consequent thereon.

Leave was given to bring in the Bill.

CHURCH OF SCOTLAND.] Sir *William Rae* rose to move an address to his Majesty, that he would be graciously pleased to require the Church of Scotland Endowment Commissioners to report forthwith on the matters referred to them, in so far as the same relate to the city of Edinburgh. He trusted that some satisfactory Report on this subject would be returned as soon as possible. A number of petitions had been forwarded to the House, to show that the Commission had not been able to provide for the wants of the Church, and the poor were therefore deprived of the means of religious instruction. The citizens had themselves subscribed a large sum to provide religious instruction for the poor, and all that was required was, that Government would enable them to bring down the seat-rents, so as that the poorer classes might enjoy the advantage. He had felt it his duty to bring the question before the House on a former occasion, and he had made a motion to that effect, on which a debate was taken. The question was decided by the noble Lord opposite requesting him to withdraw his motion, and assuring him that the Government would appoint a Commission to inquire into the subject. The Commission was appointed accordingly; and he appealed to the recollection of every hon. Member who was present, whether the instruction to them to report from time to time, was not understood to mean for the purpose of applying a remedy to those places where the want of church accommodation was most pressingly felt? Yet what was the result? Instead of any remedy being applied, the Commissioners up to this moment had actually made no Report at all; and, what was still worse, he learned from high authority that none would be made this

Session. Nay, he had heard that one of the Commissioners doubted whether a Report should be made at all. Under these circumstances he felt called upon to bring the subject once again before Parliament, for the purpose of compelling the Commissioners to report to the House, or to state their reasons for withholding it. The question at issue was, whether or no there was to be a grant made for church accommodation in Scotland? If there was, why not ascertain at once where it was most needed, and apply it without delay? If not, where was the use or the advantage of keeping up an expensive Commission? That Commission had now been a year in operation; it cost the country 10,090*l.*, and no one was aware of what it had done as yet, inasmuch as there was no fruit of its labours apparent. It was proposed, moreover, to keep it on foot for several years longer. In that case it would consume more money than twice or even thrice the amount of the entire grant required. A hundred churches might be endowed out of the sum already expended. He had been informed that the Edinburgh district was completed, and that the Glasgow was nearly finished. Why should not the Commissioners report on the former, or on both, if ready? Under these circumstances he felt bound to press his motion. If, however, the noble Lord opposite would give him an assurance that he would obtain a Report in the present Session of Parliament, so as to make it available for legislation, he would withdraw it, otherwise he should consider it his duty to take the sense of the House on the subject. The hon. Baronet concluded by moving the address.

Lord *John Russell* thought that it was a very unusual course to address the Crown to require a Commission to report forthwith respecting an inquiry which was not concluded, without regard to the state of preparation in which it might be, thus taking out of the hands of the Crown the direction of a Commission appointed by the Crown. It was his belief, that if the Government to which the right hon. Gentleman belonged, or the Government of which he himself was a member, had asked the House for a grant of money to the Church of Scotland, without sufficient proof that that grant was necessary, and that the Church of Scotland did not supply abundant means for religious instruction, the House would have declined, and he thought very properly, to advance that grant without further inquiry. He had not felt justified in proposing such a grant without further inquiry, and many hon. Members had been of opinion that it would be improper to do so. The instructions which had been issued to the Commission comprehended a great variety of objects, demanding much investigation, both as to the state of the Established Church and the Dissenters, as to the numbers of those who attended public worship, either in Established churches or in Dissenting chapels, and requiring a statement of the means which were applicable to the religious wants of the country. The Commission had been appointed about the beginning of August, and began its labours about the end of September. A great portion of their time—two or three months—had been taken up in framing queries and instructions, and devising modes by which their investigation could be best pursued. They had issued 1,000 circulars, requesting very detailed information, and had received answers from ministers of the Established Church and the Dissenting community, with many valuable communications respecting the objects of their inquiry. In January last they had proceeded to Edinburgh, and examined many witnesses, among them the principal clergy of the town. Immediately afterwards they had gone to Glasgow, where they examined about 200 witnesses. He thought it was not at all wonderful, that having been so occupied, very often from seven to eight hours a-day, they should not yet have been able to make any Report of their labours to Parliament. The circumstance which prevented the Report from Edinburgh being received was this:—One of the members of the commission, who had undertaken to draw up that part of the Report, became unable, from ill health, to fulfil his engagement, and as he had in his possession the data on which it was to be founded, the Commissioners were prevented from completing it. He was not sure that they could make the Report perfect; that they would be able to show what funds were available for the purpose of religious instruction; and if it were presented to the House, he was not prepared to say that it would afford sufficient grounds for the grant of a sum of money to the Church of Scotland. He thought, however, that when they had had the advantage of consulting the gentleman to whom he had referred, it would be more advisable for them to make a Report relative to Edinburgh immediately, than to defer it to the end of the Session. He had expressed that opinion previously to them, and it was certainly his intention to express it again; at the same time he was not inclined to send any official order, any peremptory summons, requiring them to make this Report. He was satisfied that they had conducted the inquiry with great care and impartiality, and he did not think that any opinion he could form as to the time when their Report might be made, would be so well-worthy of attention as the mature decision at which they would themselves arrive in the close of their labours. A private intimation appeared to him to be the best course of proceeding he could adopt. With regard to the examinations of witnesses by the Commission, he believed they had been conducted with perfect fairness, and its members had acted together with a most praiseworthy spirit of harmony and anxiety for the public interests. The noble Lord concluded by saying, that he should move as an amendment, that there be laid before the House a copy of the letter from the Secretary of the Church of Scotland Endowment Commission, addressed to the Under Secretary of State for the Home Department, in May, 1836.

Mr. *Gillon* had read the evidence given before the Commission, and it appeared to him that the Dissenters were not precluded by the highness of their seat-rents from supplying religious instruction to the poorer members of their congregations. He took this opportunity of protesting in behalf of the Dissenters against the Report of the Commission, as the Report of a one-sided body. He very much regretted that Government had been induced to appoint that Commission, and he could see no good that was likely to result from it. The effect of it would be to increase the religious dissensions which unfortunately prevailed to such an extent in Scotland. If the Commission recommended an endowment to one particular sect in that country, at present denominated the Established Church, it would take a one-sided view of the subject, and if Government granted a sum in compliance with that recommendation, the measure would be productive of much dissatisfaction among the people of Scotland.

Sir *George Clerk* said, that the hon. Member who had just sat down took every opportunity of manifesting his hostility to the Church of Scotland, and therefore it was, that he protested in anticipation against the Report of the Commissioners. He (Sir George Clerk) had no earthly objection to the hon. Member espousing the cause of the Dissenters with as much zeal as he thought necessary; but he strongly objected to his doing so at the expense of the character and feelings of others. On a late occasion, the hon. Member had, in a manner, and in language, altogether unworthy of him, taken an opportunity of reviling and vilifying one of the purest, the most learned and the most pious bodies of men in Europe—the clergy of the Church of Scotland in Edinburgh. With respect to the question before the House, it was undeniable that there was a want of church accommodation for the poor in Scotland. It was also undeniable that the understanding was on the appointment of the Commission, that it should report from time to time, for the purpose of applying the remedy provided for by the grant to those places which more immediately were in need of it. He admitted, that the course proposed by his right hon. Friend, to address the Crown, for the purpose of making the Commissioners report was an unusual one; and he would beg to suggest one which was less startling, and which he was sure would have the support of the hon. Member for Middlesex. He would propose that the vote of 10,000*l.* included in the miscellaneous estimates to be brought on next Friday, should be withheld until the Commissioners had shown the House what they had done to deserve it. If that would not be more effectual than the private admonition of the noble Lord he was very much mistaken.

Mr. *Horsman* felt himself to a certain degree implicated by the motion of the right hon. Baronet—as he had the honour to be one of the Commissioners whose conduct was under discussion—and as, before he was a Member of that House, he was one of those on whom both individually and collectively the hon. Bart. who spoke last (Sir G. Clerk) had made his personal attacks—he trusted that the House would excuse his intruding on them for a moment to explain the position of the Commissioners, of whom the public had hitherto heard chiefly through their opponents. And first he must say, as one of those Commissioners, that he felt the motion of the right hon. Baronet was of an invidious nature. On what was it founded? Solely on his own assumption, unsupported by any evidence or argument that those Commissioners wished to avoid their duty—that they were tardy in their inquiries, and backward in making their Report. It was quite consistent that the right hon. Baronet, who did everything to oppose and decry the Commission in the first instance, should now do his utmost to thwart and misrepresent its labours. But it was not consistent in him, who at that time predicted everything that was bad from it, and that its Report would be worthless, that he should now show such an anxiety for its appearance, as if it must needs be perfect. One thing was especially gratifying in the discussion of that evening, that the right hon. Baronet who brought forward this motion, now did full justice to the character of the Commissioners; but ought not the error he formerly fell into concerning them to have made him more cautious now? He had been mistaken once about their characters—might he not be equally mistaken again about their motives? The House, however, would judge for itself how far the right hon. Baronet was justified on the very insufficient grounds that he had shown in requiring it to adopt a course of conduct towards these Commissioners to which no Commissioners had ever been subjected before, depriving them of that discretion with which they were necessarily intended to be invested, and calling on them to make a Report before they were prepared to do it, either with satisfaction to themselves or with advantage to the public. He admitted, that there was an anxiety for this Report, and that it was desirable that it should be made as soon as possible, but he was prepared to show that no unnecessary delay had taken place. It was true that the Commission was appointed in July, as the hon. Member had just stated, but the question was not as to the date of the appointment, but the period at which their labours could be commenced. Parliament did not rise till some time after that, which was one cause of delay, and there were others over which those Commissioners had no control. No Member of this House who was in Scotland at that time, could be ignorant of the excitement that was created on the appearance of this Commission, and the difficult and delicate, and even painful situation in which the Commissioners at times found themselves placed. And this he must say, and he said it with no feelings of acrimony towards him now, that it was the hon. Baronet to whom he was replying that the Commissioners had to thank for the reception they had met with; for, no sooner had the names of the Commissioners been gazetted than the hon. Member for Mid Lothian rose in his place in that House, and, assuming to himself an intimate acquaintance with their characters and qualifications, put forth a statement to the public which was most unfair, most unjust, and most unfounded. He knew not how far the conduct of the clergy was to be attributed to the misrepresentations of the hon. Baronet; but this he knew, that they generally adopted his tone, and even his arguments and his facts. The General Assembly of the Church was especially convoked on the occasion, and they proceeded to record their opinion by a strong and deliberate resolution that the Commission, so constituted, could not be interested in the welfare of the Church, nor entitled to her confidence; and the temper of the discussion was such as to show that the Assembly neither recognised the legality, nor were prepared to aid in the labours of the Commission. Other similar meetings were held where similar opinions were expressed, and it was not until the end of September, that at another especial meeting of the General Assembly, Dr. Chalmers, for the first time, proposed that the hostility to the Commissioners should cease, and assistance be afforded to their inquiries. But even then considerable delays necessarily elapsed before the Commissioners could get answers to their circulars, as many of the clergy were still doubtful as to the course the body might ultimately adopt, and waited for instructions from their respective Presbyteries. Such was the situation in which the Commissioners found themselves at the end of last year. He did not state it of the clergy as a matter of complaint; on the contrary, he was satisfied that they acted from the best and purest motives. He believed that they had been misled by the discussions in that House, and that they were really alarmed by the misrepresentations of the hon. Member for Mid-Lothian, and that they were actuated in their opposition solely by a vigilant regard to the interests of the religion they were bound to protect. If, however, he had had any doubt on this subject, it would have been removed by the course the church had subsequently pursued, for no sooner had the clergy expressed their intention of co-operating with the Commissioners than they came forward to assist them, and have continued to assist them, heartily, zealously, and efficiently. So, also, had the Dissenters done, notwithstanding what had been said by the hon. Member for Falkirk, and to both parties the Commissioners were indebted for the aid they had received, and in consequence of which the Commissioners had been able to pursue their inquiries more rapidly than they could otherwise have done. They had examined in the Presbytery of Edinburgh alone, before he left them, more than 300 witnesses, principally clergy, and taken evidence there to the extent of 5,000 folio pages, and they had the satisfaction of knowing that while doing so they continued to maintain the goodwill of both parties. He begged to assure the hon. Member for Falkirk, that he had himself heard them thanked by the Dissenting Clergy, for the manner in which, they conducted their proceedings, and he begged to refer the right hon. Baronet who had brought forward the motion, to the newspaper which was considered particularly to represent the feelings of the interest of the Establishment, and which at one time, was most virulent in its opposition to the Commissioners, but which now admitted that their inquiries were carried on "with fairness and impartiality, and no small ability." Such was the position of the Commissioners now; and having got over the first and most delicate part of their duty, and while they were conducting their inquiries with activity, and industry, and success—such was the moment selected by the right hon. Baronet for bringing forward a motion which any sensible person in Scotland will tell him is uncalled for and ill timed, and which his own parliamentary experience must convince him, is not only unusual, but absolutely unprecedented. He begged to assure the House that there was no disposition on the part of the Commissioners to put off their Report. He knew that the majority of that Commission, notwithstanding the character to the contrary assigned to them by the hon. Member for Mid-Lothian, were as warm friends of the Establishment as that hon. Baronet himself, or his right hon. Colleague who had brought forward this motion. The Commissioners did not feel that the question of an Establishment or no Establishment raised by the hon. Member for Falkirk, was within the scope of their inquiries. They knew that such was not intended by the House or the Government at the time of their appointment; and, therefore, when they accepted their office, they conceived that by that very acceptance they gave a pledge that they would strictly limit their duties to the subject that was intended to be remitted to them. It was their task to make a statistical inquiry, and a statistical Report, and their own characters required that that inquiry should be conducted as industriously, and that Report drawn up and presented to the House as speedily as possible, and such was the wish and intention of the Commissioners.

Lord *John Russell*, in explanation, stated, that the payment of the Commissioners was not to commence from July last, when the Commission issued, but from the period when the Commission was opened.

Dr. *Bowring* contended, that when this Commission was granted, it was left open to the House of Commons to decide whether any grant should be made to the Church of Scotland or not.

Mr. *James Oswald* was sorry, that the Minister had, from the first, allowed the Commissioners to report from time to time; and he hoped that they would now, on no account, consent to their making any Report which did not include Glasgow as well as Edinburgh. In his own opinion, the time was gone by for making any grant to the Church of Scotland, and such a grant would only serve the cause of the Dissenters, and injure the Church.

Motion withdrawn.

CONSTABULARY, (IRELAND).] Viscount *Morpeth* hoped, that the House would allow him to call its attention to the amendments made by their Lordships on the Constabulary (Ireland) Bill, even at that late hour of the night (a quarter past twelve o'clock.) [*Cries of* "*adjourn!*" "*adjourn!*"] He assured the House that he would not detain them at any length upon the present occasion. The amendments of their Lordships on this Bill were rather voluminous; but he was not prepared to offer them any opposition, and should, therefore, abstain from entering into any captious cavils respecting either the propriety or the necessity of reducing the number of appointments originally contemplated in the Bill. The Government, not intending to fill it up to its extreme limits, had proposed a scale of appointments, which they conceived would enable them to secure the efficiency of the police, being well aware that the more complete the constabulary force was rendered, the more easy and the more speedy would be the reduction of the military force now employed in Ireland. The House of Lords, not having the same reliance which that House had in the abstinence of His Majesty's Ministers, had made considerable reductions in the number of appointments fixed by the Bill. The Government must, therefore, make the best use they could of the powers which were still left to it. Any man who had ever had the slightest experience in the office which he had then the honour to fill, must know full well that the reduction of patronage effected by the amendments of their Lordships was not a point of which he (Lord Morpeth) had any reason to complain. He should have some amendments to propose, in consequence of the alterations which their Lordships had been pleased to introduce into this measure. They had considerably diminished the number of paymasters, and, by thus placing them over larger districts, had greatly increased, if they had not doubled, the duties which it was originally intended that they should perform. In consequence of this increase in their duties, it was only right that their pay should be proportionally increased. That increase in their pay could not be proposed in the House of Lords, and he should, therefore, introduce a short Bill in a day or two, authorizing that increase to be made. The only alteration which he proposed to make in the Bill was rendered necessary by the amendments which their Lordships had made in clause 11, in which they laid down the number of constables and sub-constables to be employed in the different baronies of Ireland. By those amendments, in one of the counties that was now much disturbed, (Tipperary) the Government, which had now 560 constables therein, would only be entitled to have 176 in future. In the county of Galway, where the Government had now 762 constables, it would only be entitled to have 272 in future. In some places, however, the contrary effect would be produced. In the town of Galway the amendments of the Lords would entitle the Government to have 100 constables, where it was now only entitled to have twenty. Precisely the same thing would occur in the city of Kilkenny; whilst in the town of Carrickfergus the amendments would enable the Government to have 100 constables, where it was now only entitled to have five. In point of fact, the provisions of this clause, if acted on, would be inapplicable to the present state of Ireland, and disasterous to the public peace of that country. Another clause introduced by their Lordships, rendered it necessary for the Lord-Lieutenant to keep the constabulary force up to its present amount: but did not provide, that when a member of the present force died, the Lord-Lieutenant should be at liberty to supply his place, by appointing a successor. He believed that the object of their Lordships in that clause was simply to keep the constabulary force up to its present amount, and that there was no intention on their part to curtail the Lord-Lieutenant's power in this respect. He should propose a proviso, in addition to that clause—a proviso which he had taken pains to ascertain would not meet with any opposition elsewhere. That proviso would enact that, where the constabulary force was required to be increased, owing either to the district being proclaimed, or a requisition being received from the magistracy, the Lord-Lieutenant should have power to make the necessary appointments. He would not detain the House longer than to move that these amendments be agreed to.

Colonel *Perceval* hoped, that the noble Lord would have no objection to include the society of "Friendly Brothers," which was not an exclusive or political society, in the exemption from the operation of this Bill, which was given to the Freemasons in the 16th clause of it.

Viscount *Morpeth* was not sufficiently acquainted with the nature of the society of "Friendly Brothers" to be able to give his assent to the introduction of such an exemption into the Bill.

Mr. Sergeant *Jackson* said, that unless the noble Lord would give the same exemption to the "Friendly Brothers" which the 16th clause gave to the Freemasons, he should move the adjournment of this debate till to-morrow. He should do so in order to give the noble Lord time to obtain that information respecting the "Friendly Brothers" which he admitted he did not possess.

Mr. *Frederick French* trusted, that the noble Lord would not afford the Friendly Brothers the exemption which was now claimed for them. He had always understood in Ireland that they were a political society.

Colonel *Perceval* said, that he was a Friendly Brother as well as a Freemason, and assured the House that the one Association was not a whit more political than the other. The Friendly Brothers was nothing more than a social club.

Mr. Sergeant *O'Loghlen* had always understood the Friendly Brothers to be a species of mitigated Orangemen. If they were exempted, the House would also have applications to exempt the Riband-Men and the Eccentrics, on the ground that they too were mere sociable clubs.

Mr. *William Smith O'Brien* corroborated the statement that, the Friendly Brothers was considered in Ireland a species of mitigated Orange Club.

Mr. Sergeant *Jackson* said, that if the noble Lord persisted in resisting the suggestion of his hon. and gallant Friend, he should certainly move that the House be counted.

Viscount *Morpeth* hoped that the hon. and learned Sergeant would not persist in that Resolution, for if he did, the Royal assent could not be given to the Bill before the recess, and it was important to the public service that it should be passed with as little delay as possible.

Lord *Cole* moved that the House be counted.

House counted out.

HOUSE OF LORDS,

Wednesday, May 18, 1836.

MINUTES.] Petitions presented. By several Noble Lords, from various Places, for the Better Observance of the Sabbath.

MUNICIPAL CORPORATIONS (IRELAND).] The order of the day for the third reading of the Municipal Corporations (Ireland) Bill having been read,

The Marquess of *Lansdowne* spoke to the following effect:—My Lords, I rise to move the third reading of the altered Bill, which now stands entitled—"A Bill for the regulation of Municipal Affairs in Ireland, and for the abolition of Municipal Corporations therein." In rising to move this third reading, it certainly will be necessary for me to occupy but a very short portion of your Lordships' attention, and I shall be glad if my comparative brevity upon this occasion shall in some degree mitigate the inconvenience to which I am sensible I may have put some of your Lordships, by requiring as a favour your attendance here on this usually vacant evening. That the subject to which I am about to direct attention is one of paramount importance I am but too well aware; but, nevertheless, it certainly would be unpardonable in me were I to occupy any considerable portion of your Lordships' time, when I feel it impossible to ask you to give a third reading to this Bill on any other argument than the one I shall presently have to state. The position in which your Lordships stand in connection with this measure is simply this:—The Commons' House of Parliament having sent up to us a Bill, the object of which was the substitution for self-elected and irresponsible Corporations in Ireland, Corporations that should be responsible, and should be fairly elected by the people of that country, it has seemed fit to the majority of your Lordships materially to alter that measure, and carefully to take out of the Bill all those portions of it which gave life and existence to new Corporations, while you have been pleased to retain all that distinguished life in all existing Corporations whatever. The effect, therefore, of the Bill as it now stands adopted by your Lordships, is, that the corporate system is for ever annihilated in Ireland, and that the title of the Bill—for the preliminary words are somewhat unnecessary—should be, instead of being "A Bill for the regulation of Municipal Affairs in Ireland, and for the abolition of Municipal Corporations therein," be "a Bill for abolishing the corporations of Ireland, and making the Lord-lieutenant of Ireland for the time being sole corporator thereof." My Lords, I have sometimes heard persons out of this House less learned than your Lordships, who expressed some difficulty in knowing what was the meaning of the legal term "corporation sole." My Lords, if this Bill shall pass into a law, you will be able to boast of having given to the world an opportunity of witnessing in my noble Friend near me, the present Lieutenant of Ireland, a living specimen of that legal character, exercising, in the vulgar as well as legal sense of a corporation sole, all the rights, privileges, and immunities of the existing corporate bodies of that country. This, my Lords, it is needless for me to assure you, was far from the view of those who introduced this Bill in the other House of Parliament—it was far from the view of the majority of that other House of Parliament who adopted this Bill on its being so introduced to them. They contemplated no such unheard-of concentration of powers in the hands of any single man. They did, undoubtedly, contemplate that measure to which your Lordships have been pleased to assent—and the full value of that assent I undoubtedly feel—they did, certainly, propose to extinguish all that was proved to be corrupt and mischievous, and all that was liable to become corrupt and mischievous, in the existing Corporations of Ireland, but they did not propose by their measure to pass sentence upon the character and institutions of that country, and to record its people as unfit and incapable of sustaining anything like those functions which for centuries have been exercised, fairly exercised, by their fellow-subjects in the Corporations, great and small, of Great Britain and Scotland. I have said, that I feel the full value of the assent given by your Lordships to the first principle of this Bill. I mean that which relates to the extinction of all the existing Corporations in Ireland in their objectionable and exclusive form. I feel, that in so doing your Lordships have given the strongest Parliamentary sanction on the part of this House that you could give to the wisdom of that policy which instituted an inquiry exhibiting the defective and corrupt state of those institutions. I feel you have recorded your approbation of that policy, and, therefore, I conceive a great object to be attained even by the Bill as it stands in its present state. But, great as I think that object is, I do also think that object great which you have declined assisting the other House of Parliament in attaining. I allude to the construction of a more wholesome corporate system than that destroyed, by the infusion of a due proportion of popular control, and by an amendment in the forms of election. In the attainment of that object your Lordships have refused co-operating, and I, therefore, think it is but right and fitting that the other House of Parliament should be apprised of the way in which your Lordships have dealt with their pleasure; and apprised of the reasons and motives which guided your Lordships in your decision respecting this measure, I fear, that neither the other House of Parliament nor the public, are ever likely to be satisfied with that statement; and I am sure it would not be for me to undertake the difficult task of explaining them; and as the only course by which they can be duly made acquainted with the state of events on this great question of legislation, no noble Lord having moved for a conference with the other House of Parliament, will be to put them regularly in possession of the Bill in its amended—I should say in its altered—form, I have come forward for the purpose of requesting your Lordships to pass the Bill through its remaining stages. My Lords, I desire it may be distinctly understood that it is on these grounds alone I beg of you to give the Bill a third reading. I thought it my duty the other evening to tender to those who made this Bill their own the opportunity of putting it through its latter stages, but, as your Lordships are aware, that offer those to whom I allude thought proper to decline. I make use, my Lords, of the words "made this Bill their own," because, according to a memorandum which I have now before me, I find that the state of the Bill, as it passed the other House, is entirely different from what it is at present. The preamble has been amended, sixty-six of the clauses have been altered so as scarcely to be recognised, of new clauses twenty-seven have been added, and of the clauses sent up by the other House of Parliament only eight have been preserved. I think therefore I am justified in stating that the noble and learned Lord, and those who acted with him, have made this Bill their own; and further, that I was justified in proposing to the noble and learned Lord to conduct to its termination the Bill which he had so made his own. But, when the noble and learned Lord declined the task, I undoubtedly felt it to be my duty to offer to your Lordships to conduct this Bill to the final stage, by which would be insured its regular transmission to the other House of Parliament. If on this occasion I could have hoped to alter your Lordships' determination, I should undoubtedly have thought it my duty once more to ask your Lordships, as a question of policy and as a question of wisdom, to consider whether it became the House—the depository of many of the most valuable privileges that are maintained by law in this country, and the guardian by profession of many other privileges, which, although not attached to it, are protected and supported by its existence—I say, my Lords, I should have ventured to suggest the policy of re-considering whether it is wise and prudent in that House which is the first privileged body in the country, to make itself the instrument of stripping all the corporate bodies in Ireland of their privileges, and to use the prerogative vested in it by the laws in infringing the liberties and rights of the people. This course I certainly should have ventured once more to suggest to your Lordships' consideration, if I could have hoped to shake the determination you have come to; but entertaining the feeling that such a hope is now altogether futile, it is not my intention to-night to give your Lordships the trouble of a debate, for the purpose of restoring the Bill to its former state. I shall, for the reasons I have given, now move that the Bill be read a third time, but I do so with a decided protest against the supposition that such a motion involves, on my part, any approval of its contents; or at least of that portion of its contents which effects the perpetual destruction of all corporate bodies in what once was the sister kingdom of England. Having made that protest in a manner which I think will be understood in this House and in the country, I can have no hesitation, on the grounds I have stated, and on those grounds alone, in asking your Lordships at once to give to this Bill a third reading.

The Marquess of *Clanricarde* objected to this measure, as injurious to the people of Ireland, and insulting to the other House of Parliament. He considered it as a Bill of the most mischievous description, and he for one would never agree to it. When he considered the speeches and arguments that had been addressed to their Lordships in proposing the alterations in different clauses, he felt that it would have been infinitely less injurious and less dangerous if it had been simply presented to the people of Ireland as it stood, in its altered state, unaccompanied by such comments. After the decision of last year, with reference to the corporations of England and Scotland, it would be felt by the people of Ireland that they were not deemed capable of advantageously receiving the same measure of reform. What had been said by his noble Friend (Lord Fitzgerald, we believe), and by the noble Earl (Haddington) on the floor, whose character and experience gave weight to everything that fell from them, aggravated the insult that had been offered to the people of Ireland. The noble Earl had said, in answer, he believed, to some observations which he had made with reference to the proposition of the noble Duke (Richmond) on the cross benches, that corporations should be allowed to some of the great towns—the noble Earl had observed that the large towns were precisely those which he was most afraid of, because the people were apt to congregate for the purpose of discussion.—[The Earl of *Haddington:* I made use of no such expression.] Why, the noble Earl said, that, above all other places, he dreaded Dublin! He expressly mentioned Dublin. And what was the reason? Because there the people were in the habit of meeting. The noble Earl said, he was not afraid of the small towns, but he was of the large ones, and the reason was, because in the latter the people came into play. Could this be doubted? Again, what must the feelings of the people of Ireland be, when the noble and learned Lord opposite called them alien to Englishmen—alien to the habits of Englishmen—alien to the religion of Englishmen—anxious to disunite themselves from this country, and to expel Englishmen from their soil? Was not that an attack that ought not to be made on them as British subjects? The noble and learned Lord spoke of the necessity of encouraging loyalty, and of keeping up the connexion with Great Britain; and at the same time he asserted, that the people of Ireland were inclined to throw aside the British connexion. Now, he did not think that there was any great degree of political sagacity manifested in propounding such a proposition. But let their Lordships look at the Bill on the table. Was it calculated to strengthen and extend the principle of loyalty? No person had a higher respect than he had for loyalty. It was a noble sentiment; and in this country, he thanked God, it was a patriotic sentiment. It was a glorious sentiment; because a reasonable one, among freemen. But, when freedom did not exist, it might degenerate into servility and sycophancy. The Union, as he understood it, between the two countries, which they were all so anxious to preserve, was founded on a large, and comprehensive, and wide, and politic basis. It was founded on a community of interests, on an identification of feelings. If it were not so, then it was no union, but a cheat with respect to one party, a disgrace with reference to the other, and nothing better than a mischief to both. Then he would say, that if they did not grant similar institutions to the people of the two countries, and they were refused by this Bill, they might call the Union a union of subjugation—they might call it a union of conquest—they might call it a union of injustice, but it could not be fairly viewed as a legislative bond of Union. This, therefore, he contended, was a most dangerous Bill to send to the people of Ireland. He believed, however, that the Bill would never pass into a law; and, when he said so, he was sure he spoke the sentiments of the British people, who never would suffer such wrong to be done to Ireland. And what, he asked, would the other House of Parliament say to their Lordships' proceedings? They surely could not receive such a measure. It was most unjust to treat Ireland in this manner, because he would contend that the Irish people had shown themselves fit to appreciate free institutions as they ought to be appreciated. They had shown a willingness to identify themselves with the feelings as well as the institutions of the British people. There was an identity of interests between the two countries, and it was not because a portion of the Irish people were obnoxious to the party of the noble Lord opposite that a slur should be thrown upon them, and that they should be subjected to a degradation which, under other circumstances, they dared not offer. These facts, they might depend upon it, were well marked and noted out of doors. If noble Lords opposite did not take another course—if they did not do the same justice to Ireland that had been done to England and Scotland, they would strike a severe blow at the Union. That blow, however, would be vain; it would pass away harmlessly, because he was convinced that the good feeling of the British people would atone for the error, and would render that Union firm and lasting. Because there were riots at parliamentary elections in Ireland, they were called upon not to give to that country popular municipal institutions. But the advantages that flowed from a free and liberal system greatly outweighed the minor inconveniences that attended it. If they refused to Ireland that which had been granted to England and Scotland, he thought they went somewhat nigh to teach the people of Ireland that their obedience to an united legislature was not beneficial to them, and the consequences of raising such a feeling might be most dangerous. He, however, placed his confidence in the House of Commons, and was impressed with the belief that this Bill would never pass into a law.

The Earl of *Haddington* said, that if he had not been personally alluded to by the noble Marquess, he should not have deviated from his original intention of remaining silent. If any stranger came within those walls in the course of the speech of the noble Marquess, (and the same remark would apply to many other speeches which had been delivered by noble Lords on this subject,) he would be led to suppose that their Lordships were going to deprive the people of Ireland of long-enjoyed and much-valued privileges. Instead of which, the plain fact was, that they had merely sanctioned the abolition of Corporations, to which measure, so far as they knew, the feelings and wishes of the people of Ireland were favourable. Those Corporations had long been complained of as a nuisance that ought to be abated. They had, it was admitted, been for a long period the engines of persecution, and the great means of carrying on an exclusive system throughout that country. What their Lordships refused to do was, to recreate on the ruins of that system so abolished, another system, still more exclusive. It was not for him to go into the details of the subject. He could not do so without restating arguments which had been reiterated over and over again. He should therefore mainly adhere to the purpose for which he rose, to point out and correct the very great misrepresentations which the noble Marquess had made with respect to what fell from him on a former evening. The noble Marquess had certainly most completely misrepresented the whole scope and tenor of what fell from him on that occasion. The noble Marquess had represented him as offering insult to the people of Ireland—as stating that he was unwilling to see the amendment which involved the existence of the great Corporations of Ireland carried into effect, because he distrusted the people of Ireland; at the same time, that he was willing to see such a principle carried into effect, where towns were small, and had but few inhabitants. Now that was not what he said. [The Marquess of *Clanricarde*: I must deny the correctness of the noble Lord's remark.] I understood the noble Marquess to say that I asserted that I saw no great danger in allowing Corporations in small towns, because there were few people in them; but that great towns ought not to be intrusted with such privileges, on account of the large number of people they contained. That, however, was not my statement. What I stated was, that there was more danger to be apprehended in giving those privileges to large towns than to small ones. But, mark the ground which I took on that occasion. We object to the continuance of those Corporations generally on account of the spirit of agitation which would be likely to pervade them; and I cannot conceive that that spirit would be half so dangerous to the security of the country, when it rages in a town of limited extent, as when it is used to excite the population of a larger and more numerous community. That is the utmost extent to which my distrust goes. My distrust is not to the people, but to those who agitate the people and influence the government. Such is my distrust. If any insult has been given, it is offered to the agitators, and not to the people of Ireland, whom I wish to protect from that baneful influence which is so dangerous to the interests of this empire. I pointed out the city of Dublin as a proper criterion by which to judge, and I repeat it. If Dublin were to be left with a Corporation, and placed under the influence of a priesthood that joins in agitation, and open to the arts of lay agitators, why then we might as well pass the whole Bill as it was sent up from the other House of Parliament; because, by adopting such a principle, we should be legalising a perpetual Catholic Association. The noble Earl proceeded to say, that was the reason why he objected to the proposition of the noble Duke on the cross-benches, and not because he wished to insult the people of Ireland. It was because he valued the peace and repose of Dublin — it was because he wished a government to be established in that country powerful enough to command respect—that he was anxious not to take any step the effect of which would be to legalize a permanently-standing Catholic Association. He never stated, that he saw no inconvenience from a system of agitation in the smaller towns. It was purely a matter of comparison. But very many reasons induced him to prefer the Bill as it now stood, rather than to take it with the alterations proposed by the noble Duke on the cross-benches. He thought that the greatest danger would result if they adopted the amendments of the noble Duke. In point of fact, he looked upon the Bill, as originally framed, as presenting a minor danger compared with that to which such an alteration would inevitably lead; and he trusted that their Lordships would adhere to that, which he conceived not to be a hardship to the people of Ireland, but a measure that would save them from the arts of agitators, and secure to them the best chance of equal justice. The noble Marquess (Lansdowne) had represented the amendments or alterations (he did not object to the noble Marquess's words, for the Bill was altered, as well as amended, very extensively) as precluding the people of Ireland for ever from all the benefit of Corporations. The noble Marquess did not explain to the House how that appeared. The gist of the argument applied to the present state of Ireland; it was upon that view that the measure was founded. But if a happier day arrived for Ireland what was to prevent the Government or Legislature of this country, if the people made application for Corporations, from consenting to form them? No man would be more happy than he at the arrival of a day of peace and tranquillity, when they might entertain such a proposition with propriety, if it were made by the people of Ireland. But he believed that if such an unexpected day did arrive, the Government would receive no application of the kind. He had trespassed further on their time than he had intended, but he was obliged to rise for the purpose of correcting the misrepresentations of the noble Marquess, which were opposed to every feeling of his mind. When he formerly addressed their Lordships he thought he had so expressed himself as to render it impossible that any such interpretation could have been put on what he stated, for he was the last man that would think of saying any thing unkind of, or insulting to, the people of Ireland.

Viscount *Gort* expressed his regret that the city of Limerick should be deprived of privileges which had been handed down to the Corporation from a very early period. An inquisition, almost unparalleled in the history of this country, had been sent forth to inquire into the state of the Irish Corporations, and, in his opinion, those who constituted that Commission had no just reason for visiting the Corporation of Limerick with the severity which they had done. The noble Viscount was proceeding to animadvert on what had been said in the House of Commons by an hon. Member with respect to the noble Lord's influence with the corporation of Limerick, when

The Earl of *Devon* rose to order. The noble Viscount was applying himself almost personally to what had passed in the other House of Parliament, a course never permitted on ordinary occasions.

Viscount *Gort* said, he had over and over again heard allusions made to speeches delivered elsewhere; but he should obey the wish of the House, and abstain from going further into the subject. Neither he nor the Corporation had the power of appointing the officer connected with the city of Limerick, who was mentioned in the Report of the Commissioners. Under the regulations of Charles 2nd, they could only recommend an individual who must be approved of by the Lord Lieutenant and Privy Council. If this Bill would give peace to Ireland, no man would be more interested in agreeing to it than he should; but instead of giving peace, it would only add to the feuds and animosities which existed in that country, and would be followed up by demands still more unreasonable, which would never cease to be made till the Protestant religion was trampled under foot.

Lord *Alvanley* was aware of the natural impatience of their Lordships to get rid of this discussion, but he wished to make a few observations in consequence of what had fallen on a former occasion from his noble Friend, the Chancellor of the Duchy of Lancaster, imputing to him that he had, in supporting this measure in its present shape, thrown overboard his opinions respecting the principle of centralization. In answer to that charge he had to say, that his objections to that principle were not shaken by his acceding to the necessity of this measure, which was one great exception to prove the general rule. His vote upon this occasion would be given on this very strong reason for supporting the Bill in its present state that Ireland was not in a situation to receive Corporations. His vote was founded upon the evidence which he had read with very great attention, collected in the Report of the Commission appointed to inquire into the state of the Irish poor, and upon the state of elections generally in that country, and he would say, that greater riot, intimidation, and agitation could not be conceived than was practised there, accustomed as we were in this country to see these matters go quietly off. Under these circumstances, he should be sorry if he voted for increasing popular election in any one single instance. He was clearly of opinion that Ireland was not at present fit for Corporations, not but that she might receive them hereafter, if the state of the country would admit of it. The House was bound to legislate for the present, not for the future or for the past, and every noble Lord who wished to see tranquillity re-established in that distracted country would not consent to give it Corporations in its present situation. Much had been said of the efforts that had been made to tranquillize Ireland, but what was the nature of the measures which had been brought before the House for the last two years in reference to that country?—There was the Constabulary Bill, the Tithe Bill, and the present measure, and as soon as any one of these measures was mooted anywhere, a strong party in the country, and among the public press, had opened the batteries of attack upon their Lordships; loud lamentations were raised, and it was said these measures had very little chance of succeeding. Their Lordships were assailed as the friends of corruptions and abuses of every kind, too bigoted to do their country good, and as incapable to govern it in their hereditary legislative capacity, as hereditary tailors would be to cut out clothes for the half-naked inhabitants of Ireland. In fact, however, the only result of these measures would be to increase the power of those who were already powerful, and add to the wealth of those who were already rich. By the Tithe Bill no less than thirty per cent. would, in three years' time, find its way into the pockets of the Irish landlords, for he supposed that the Irish clergy would not get it, nor would the other measures give one meal of victuals, or a day's work, to any man in Ireland who now wanted it. These measures, therefore, were no measures of relief, though there were measures which would give Ireland relief, and why were they not brought forward? Their Lordships might not have observed it, but a very curious circumstance occurred the very day that this Bill was read a second time. On that day notice was given in another place that no measure would be brought forward by the Government this Session, founded on the Report of the Commissioners of Poor-laws in Ireland. He did not say that the Government was to blame in wishing to take time to consider before they brought forward this very important measure, but their Lordships would not forget that there was a party in the country who arrogated to themselves the exclusive merit of originating every measure that was calculated to protect the interests of the people of Ireland. How was it, then, that this measure had not been introduced before? He was convinced that unless a measure of this kind was brought forward, it would be impossible to tranquillize Ireland, and such a measure must be brought forward by others. Till that measure was introduced — till they had made up their minds to pay the Roman Catholic clergy, and to prevent them by legislative enactment, from receiving payment of dues from their flocks, and till they had reformed or done away with the great College of Maynooth, which was the real Normal school of agitation in Ireland, they would have done nothing.

A Noble Lord wished to correct a misstatement of the noble Baron, with respect to the effect of the Tithe Bill. It did not put more than fifteen per cent. instead of thirty per cent., into the pockets of the landlord, at least he would not get more for taking the payment to the clergy upon himself.

Lord *Alvanley*:—I said it would in three years.

Bill read a third time.

On the question that it do pass,

The Duke of *Richmond* said; after what has already taken place, and the observations which I addressed to your Lordships when the amendment which I am now about to submit was proposed by me in Committee, I do not feel that there is any necessity for trespassing upon your attention at any length. I shall only remind your Lordships that the main argument used against leaving the Corporations in seven great towns in Ireland is, that the elections in those places would be placed in the hands of one individual. My Lords, must I then bring myself to think that you are legislating solely with reference to one individual. Is it fitting that the House of Lords of England should shape their course of legislation in a different way from what justice would direct, because one individual happens to possess influence over his fellow-countrymen. My Lords, if you wish to take the power which he possesses from that individual, show the people of Ireland that you are willing to render them full, fair, and impartial justice. Do not permit that individual to go into the great towns to which my motion refers, and to say, "You, the inhabitants of Dublin, Belfast, or Cork, —you, 10*l.* householders, are considered by the Legislature that governs you, unfit for the exercise of corporate privileges, whilst the poor fishermen of some of the small outports of England and Scotland, are looked upon as entitled to the right of managing their own municipal concerns." I object, then, to the system which you seem disposed to adopt, my Lords, because acting upon it, you put weapons into the hands of agitators. It appears to me, that those who argue against providing Corporations for the great towns in Ireland, seem to think that the people who are to take part in the elections are to be persons who pay no taxes, and who have no stake or property in these places. But what is the fact? Why, it is proposed that they should be the 10*l.* householders. Now, take the city of Dublin with reference to the principles of qualification which I wish to see established. Is it quite certain, that the 10*l.* householders of that city have proved their willingness to elect even that individual whose influence is so much dreaded? Are your Lordships not aware that in the last election, that individual had not a majority of the 10*l.* householders. I firmly and conscientiously believe, that if your Lordships agree to the amendments I propose, you will satisfy the great body of the fair people of Ireland, and I believe you will take away a great deal of the power from those individuals, whoever they may be, who wish to excite the people of that country. My noble Friend (Lord Alvanley) has stated, that whenever measures are brought forward for the relief of the people of Ireland, batteries are immediately opened upon your Lordships' House. My Lords, I know, and most of your Lordships know, that the existence of this House is absolutely necessary for the protection of the rights and liberties of the people, and I shall ever be ready to stand up in defence of our privileges. But, my Lords, I am too old a soldier not to know, that when a battery is opened upon a party, the proper step to be taken is to take up a strong position, by which that attack can be successfully resisted. When a serious battery has been commenced, the way to meet it is not, I think, to open the gates to the opposing party: but I am desirous that we should entrench ourselves, if possible, in a still stronger position than that which we have hitherto occupied. Now, my Lords, it is not because I am of opinion that there is any great body of the people opposed to this House, but because attempts have been made to excite the people to an opposition to it, that I think you ought to be more careful than ever in your proceedings; and under this impression, I have brought forward the present amendment, without any particular party or political views, for I stand in this House unconnected with any party whatever. Therefore I may, perhaps, urge a peculiar claim to make the proposition which I mean to submit on these grounds,—because I think it is just, because I cannot see the slightest danger from acceding to it, and because, more than all, you will, by sanctioning it, take that course which I have ever warmly advocated—you will reform and correct existing abuses, without destroying the institution to which they are incident—you will repair and reinstate these Municipal Corporations, and not utterly abolish them. I object to the Bill which has been read a third time, because it destroys these Corporations altogether, for I do not believe that there is a single man in Ireland who can bring himself to believe that there is any probability of these corporate bodies being restored after they have once been abolished. I feel that the people of these large towns in Ireland are entitled to have Corporations; I feel that they have a right to have them, if they can be given by your Lordships, without any fear that danger would result from the concession; and I appeal to you whether, the voters being 10*l*. householders, there is any ground for such a fear. My Lords, I shall not detain you by saying anything more; but I am most desirous to record my opinion on the Journals of this House, by moving that schedule A, in the first clause, be left out, and another schedule, including the towns of Belfast, &c., be substituted.

Lord *Lyndhurst* had so frequently troubled their Lordships, that it was not his intention to trespass now upon their attention by any general observations on the subject of the motion which the noble Duke had made, more particularly as he had pronounced an opinion upon it when it was brought forward on a former occasion; but he rose for the purpose of suggesting to the noble Duke that it was impossible to engraft his amendment on the Bill in its present shape. It would be necessary to reinsert thirty or forty clauses which had been excluded, as well as to alter and amend every one of them. Now, unless their Lordships were prepared to do that, the Bill would be inconsistent on the very face of it; and there was no mode, consistently with retaining these clauses, by which the object of the noble Duke could be carried into effect. He merely suggested to the noble Duke the difficulty, in point of form, with which he had to contend.

The Duke of *Richmond* said, that the objection of the noble and learned Lord seemed to him to be one of form, and did not affect the principle of his amendment. As for himself, he should be perfectly willing to devote even to-morrow to obviating the objection of the noble and learned Lord, when, by doing so, he thought he was forwarding a great national object.

The Marquess of *Clanricarde:* Can anything afford a stronger illustration of the manner in which the affairs of Ireland are legislated upon, than that the noble and learned Lord should get up in his place, and seriously object to the amendment of the noble Duke, because it would delay the progress of this measure for a day, a week, or even a month? Is it to be urged as a serious objection to a measure involving objects of the highest importance, that a point of form, which might cause the delay of a day, was to be got over before it could be passed?

Lord *Lyndhurst:* The noble Marquess has misapprehended what I said. I merely suggested, that in order to carry the object of the noble Duke into effect, it would be necessary to alter a great number of the clauses of this Bill. I made no objection whatever to the amendment of the noble Duke, except that I stated that I have, upon a former occasion, expressed my sentiments with respect to it.

The Marquess of *Clanricarde:* The only objection the noble and learned Lord took to the amendment of the noble Duke was one of form. Is he now prepared to say that he will agree to it in principle? What quibbling to urge a mere formal objection to an amendment of this nature, and, when charged with having done so, not to admit either that no other could be preferred to it, or not to oppose it on principle. It certainly is somewhat unusual to rely on a formal objection to a measure of this description, by which these Corporations are suppressed, and their property transferred to the Crown—a measure, I maintain, which involves considerations more important than any measure has supplied since the time of Henry 8th. Now, as to the great difficulty which was said to exist in appointing those Corporations, which it is the object of the noble Duke's amendment to have established, I do not see why a clause could not be inserted in the Bill, enabling the Crown to grant Corporations to those particular towns. At all events, if the measure be passed in its present shape, it will fill the minds of the people of England with indignation—I believe that the people of this country take a lively interest in the welfare of the Irish people—as it will, in my opinion, be attended with the worst consequences, and will endanger, if it do not prove fatal, to the union between the countries.

Lord *Ellenborough* said, that if there were no difficulty in the course which the noble Marquess suggested, he ought himself to have come prepared with a clause to attain the object he had in view.

The Marquess of *Lansdowne*: Before the House proceeds to a division, I wish to make a few remarks, carefully avoiding, however, to go into any general topics which have been introduced. I must, in the first place, confirm the statement of the noble Duke, that his proposition was not the result of any previous communication between myself and the noble Duke. At the same time I must state what I wish to be distinctly understood, that his Majesty's Ministers, in bringing forward this measure, did not wish to preclude a fair inquiry into, and consideration of, what were the corporate towns to which it might be expedient to extend these new municipalities. They thought that a matter for fair consideration. What they most anxiously wished to maintain was, the preservation of the corporate principle. If that corporate principle is to be preserved in Ireland, I do not say that it must in the first instance be extended to all the towns in Ireland, but if any preference be given, it ought to be to the large towns, where the interests were larger and the property concerned was of greater value. If the corporate principle be good at all, it is impossible that it should not prove beneficial in proportion to the amount of property to be preserved, and the interest taken in it by large and influential bodies of people. If it were good for anything to establish intermediate bodies between the Government and the people, through which local affairs are to be administered, and public opinion elicited, it must be most desirable to establish that principle in the large towns; and in proportion to the number of inhabitants, and the complexity and amount of interest existing in such places, will be the certain policy and certain advantage of creating Corporations, or rather reforming and preserving them in the large cities. Such establishments have been found, by the experience of all times in England at least, attended with great advantages (and I have no doubt they will hereafter be attended in Ireland) with the most beneficial and salutary effect even in restraining that very spirit of agitation which is the bugbear upon which the necessity of these institutions is opposed, and which arises solely from the fears and apprehensions of those who urge it, for they cannot rest their assertions on any specific grounds, inasmuch as there has not been any experience of the particular forms of election in Ireland. My Lords, I do then most sincerely express my hope—though a feeble hope I confess it is—that even at this hour you will adopt the motion of my noble Friend on the cross-benches. The noble and learned Lord has stated, that this amendment interfered with the object which I ventured to state I had in view—namely, that the Bill should go down to the House of Commons, with the exhibition of all the alterations which have been made in it, on as early a day as possible. That hope I expressed through a fear that you would not re-consider your former determination, or adopt any amendment so important as that which the noble Duke has proposed. But, so far from regretting any delay that might take place were the noble Duke's amendment carried, I should think every hour, every day, and week well employed, which was necessary for carrying the spirit of that amendment through all the provisions of the Bill. I feel persuaded that it would be time usefully devoted to the public service, and well employed in reconciling the House of Commons to the adoption of the alterations which your Lordships have made in the Bill, and raising the character and reputation of this House. If your Lordships assent to my views you will show an anxiety to maintain in Ireland ancient institutions, framed and based upon that principle which in England you have declared to be essential to their existence. Having said thus much, I shall not detain the House by referring to the topics introduced by the noble Baron (Alvanley), as to the general system of legislation pursued regarding Ireland, and the character of those measures, which I at once admit are founded on the obvious policy, and indeed, necessity of meeting the popular demands by those salutary reforms which I am prepared to defend, though not undoubtedly excluding the admission that there are other measures of a character of permanent and important legislation which it is also necessary to adopt. Hereafter I shall be glad to call the attention of the House to the observations which the noble Baron has made, and to examine the whole question to which they refer. Following the example which has been set me by other noble Lords, I shall not detain the House by any lengthened observations, but merely express an earnest hope that your Lordships will adopt it.

Their Lordships divided—Contents, present 45; Proxies 37, 82. Not-contents, present 80, Proxies 61, 141. Majority 59.

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Richmond
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Leinster

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Tavistock
Clanricarde
Breadalbane
Headfort

EARLS.
Sefton
Mulgrave
Ilchester
Charlemont
Leitrim
Minto
Stradbroke
Burlington
Cork
Scarborough
Thanet
Carlisle
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VISCOUNT.
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BARONS.
Lord Chancellor
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Glenelg
Hatherton
Langdale
Strafford
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Devonshire
Marlborough

MARQUESSES.
Wellesley
Winchester

EARLS.
Granville
Fingal
Huntingdon
Ranfurley
Essex
Spencer
Ferrers
Ludlow
Granard
Gosford
Derby
Shrewsbury
Grey

BARONS.
Auckland
Arundel of Wardour
Stourton
Brougham and Vaux
Littleton
Carleton
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Paired off.

FOR.	AGAINST.
Earl Radnor	Earl Brownlow
Duke of Cleveland	Viscount St. Vincent
Earl of Craven	Earl Verulam
Lord Saye and Seale	Lord Reay
Lord Dunally	Marquess Camden
Lord Poltimore	Lord Boston
Lord Dundas	Lord Farnborough
Lord Byron	Earl Talbot
Marquess of Anglesea	Earl Beverley
Lord Teynham	Earl of Aberdeen
Earl Scarborough	Lord Stuart de Rothsay
Earl Rosebery	Marquess of Ely
Earl of Suffield	Earl of Chesterfield

The Duke of *Richmond* had next to propose an amendment on Clause 64, to leave out the words, " The recorder for the county of the city of any town shall not be disqualified from sitting in Parliament." The object was to prevent persons holding the office of recorder from sitting in Parliament at all. It appeared from all that had been stated of affairs in Ireland that there was something in the present constitution of society in that country which rendered it inexpedient that the same laws should be extended to Ireland as to England. Now, if those causes of excitement really existed in that country he thought it most expedient, for the sake of the due administration of public justice, not only that recorders should not be political partisans but should not be suspected by the public of being so. A circumstance had occurred, even in England, within the last four years, which showed the importance of adhering to this rule. It had happened, as their Lordships must recollect, that a learned person, of whom he could not speak but in terms of the highest respect, who filled the office of recorder for the city of Bristol, and who also held a seat in Parliament, had thought it incumbent upon him to take an active part, as a Member of Parliament, in opposing the Reform Bill; after doing so the learned Gentleman in question went down to Bristol in his judicial capacity, when his appearance there led to disturbances which ended in the destruction of a very large portion of that city. It appeared from this event that there were times, even in England, when it would be expedient that recorders should not be Members of Parliament. But there was another important consideration in support of his position. It appeared to him that if recorders, being Members of Parliament came over from Ireland to attend to their Parliamentary duties, it would be impossible for them adequately to discharge those of their judicial station, at the usual period of the sessions. Now he was one who thought that the sessions should be even more frequent than they were at present: but even putting aside the notion of intermediate sessions, to which he certainly was attached, he did not think that, even under the present arrangement, the double duty of Member of Parliament, and recorder could be properly and fairly discharged. His principal object as he had at first stated in moving this amendment was, that the recorders of Ireland should be free from all suspicion of political influence. This principle itself seemed to be in part acknowledged by the Bill as it stood, where it was expressly provided that a person being a recorder should not serve as a Member of Parliament for the town in which he was recorder. He thought that the restriction should be enforced more generally, and that a person holding the office of recorder in Ireland, should not be allowed to sit in Parliament as representative for any town whatever.

Lord *Lyndhurst* observed, that the clause, as it stood, was in the respect referred to precisely the same as it came from the other House. He objected to the taking the discussion upon such a question as that mooted by the Noble Duke in the present advanced stage of the Bill. He thought, if the question were to be touched at all, that it ought to be by a Bill for that purpose, applicable not only to the office of recorder but to all judicial situations whatever.

The Duke of *Richmond* said, he would not press his amendment to a division, though it was not his fault that he had not proposed it before; he was quite prepared to have introduced it in Committee, but in order to consult what he understood to be the convenience of the House, had deferred the discussion of it till the present occasion.

Amendment negatived.

Lord *Templemore* proposed to introduce a clause for the purpose of constituting the town of Belfast a county of a city for all purposes of this Bill.

Lord *Lyndhurst* opposed the clause, on the ground that it would place the town of Belfast upon an entirely different footing to that which it had hitherto enjoyed.

Lord *Templemore* said, he could see no reason why the town of Belfast should not be upon the same footing as Kilkenny or Cork.

Clause was negatived. The Bill passed.

HOUSE OF COMMONS,
Wednesday, May 18, 1836.

MINUTES.] Bills. Read a third time:—Divisions of Counties; Antigua Indemnity; Bankrupts (Ireland).—Read a second time:—Steam Carriages'; Small Debts' (Scotland).

Petition presented. By several HON. MEMBERS, from various Places, for the Better Observance of the Sabbath.

ENCLOSURE BILLS.] The third reading of the Over, Cambridgeshire, Enclosure Bill having been moved,

Dr. *Bowring* opposed the motion. The Bill was another encroachment on the few remaining rights and privileges of the poor. He thought it was that of which no well-wisher of the poor could approve. Those who had property in the neighbourhood of these enclosures obtained compensation, but the poor, who had only privileges, procured little, often nothing. It was a very general opinion, and he feared it was too well founded, that these privileges of the poor were, and long had been, too little considered. With respect to the present Bill, he was authorised to say, that the poor and labouring classes in the neighbourhood of the proposed enclosure were unanimously against it; and that it was supported only by a few of the aristocracy of the neighbourhood. He should therefore move as an amendment, that the Bill be read a third time that day six months.

Mr. *Hodges* seconded the amendment. He believed that the poor had been most unmercifully used by such Bills as the present. Some small sums had been given for their privileges on commons, &c.; and then those invaluable rights were extinguished for ever. After all that had passed, the House ought to look with extreme jealousy on all such measures, especially as the poor had now so few of these privileges remaining, and the more particularly after the passing of the Poor Laws Amendment Act, which threw the poor on their own resources more strictly than ever.

Mr. *Hughes Hughes* entirely concurred in the propriety of this amendment, and in the correctness of the sentiments of the hon.

Member for Kent. If he thought it could be requisite, he could read to the House a most touching appeal against this Bill, signed by 130 individuals, whose privileges of common would be sacrificed by this measure, and their means of existence materially diminished. He thought the House ought most anxiously to desire, not to deprive the poor of the slender privileges and means that still remained to them, especially after the passing of the Poor Laws Amendment Act.

Mr. *Hume* said, that the Bill would deprive the poor of the right of feeding their cattle and sheep. It was a downright robbery.

Mr. *Townley* defended the Bill, and said that the explanations made in the Committee had satisfied those who were originally opposed to the measure.

Mr. *Richard Potter* said, that a few rich persons, who originally opposed the Bill, were, it is true, satisfied, and then the attorney employed against the measure threw his poorer clients overboard.

An hon. *Member* said, that the Bill was now opposed only by a few persons, some of whom were in the workhouse.

The House divided on the original question. Ayes 61; Noes 64—Majority 3.

On the question as amended—namely, that the Bill be read a third time this day six months being put,

Mr. *Goulburn* protested against the decision to which the House had come. There was no objection urged against the Bill which did not apply to all Enclosure Bills. It was not true that the poor were deprived of their rights by the Bill; on the contrary, allotments of land were set apart for them, which would be enclosed for them gratuitously. He believed that few of the Members who had taken part in the division, were acquainted with the merits of the question; and, in order to afford them an opportunity of reading the evidence which was given in the Committee upon the Bill, he would move, as an amendment, "that the Bill be read a third time that day fortnight."

Mr. *Hughes Hughes* hoped the House would not depart from its usual practice, in a case where the rights of the poor were concerned. The Bill was lost to all intents and purposes.

Mr. *Hume* said, that the amendment proposed by the right hon. Gentleman appeared to him to be quite unprecedented. He hoped that those who before voted in favour of the Bill would now vote against it, in order to maintain the regularity of the proceedings of the House.

Mr. *William Miles* supported the amendment, and contended that allotments of land under enclosures were much more beneficial to the poor than a common right of pasture. Not one inhabitant in ten of a parish made use of a common for purposes of pasturage; but when allotments were made, every inhabitant participated in the benefit.

Mr. *Roebuck* said, that if the amendment should be agreed to, he would then propose, as an amendment, that the Bill should be read a third time that day nine months; and if that should be defeated, other hon. Members would move amendments which would have for their object the getting rid of the Bill.

Mr. *Pryme* said, that he had carefully attended to the proceedings in the Committee on the Bill, and he saw no reason whatever for objecting to the measure. Indeed, the only opposition to the measure proceeded from two cattle-jobbers, who were in the habit of turning 200 or 300 cattle on the common at a time, to the injury of the poor inhabitants. Allotments were more valuable to the poor man than common rights.

The House divided. Ayes 88; Noes 84—Majority 4.

Bill put off for six months.

[We give the Lists only of the names on the last division, which includes all those who voted on the first division.]

List of the Ayes.

Agnew, Sir A.
Alston, R.
Attwood, T.
Baines, E.
Barnard, E. G.
Berkeley, hon. F.
Biddulph, R.
Bish, T.
Blackburne, J.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Buller, C.
Chalmers, P.
Codrington, Admiral
Crawford, W. S.
Curties, E. B.
Dalmeny, Lord
Duncombe, T.
Elphinstone, H.
Ewart, W.
Fergus, J.
Fergusson, rt.hon.R.C.
Fleetwood, P, H.
French, F.
Gaskell, D.
Gordon, R.
Guest, J. J.
Hawes, B.
Hay, Sir A.
Heathcote, J.
Hector, C. J.
Heron, Sir R.
Hodges, T. L.
Hughes, W. L.
Hutt, W. H.
Jervis, J.
Langton, W. G.
Leader, J. T.
Lennox, Lord G.
Lennox, Lord A.
Lushington, C.
Lynch, A. H.
Mangles, J.
Methuen, P.
Mosley, Sir O.
Murray, rt. hon. J. A.
Musgrave, Sir R.
O'Brien, W. S.
O'Connell, J.
O'Connell, M.
O'Ferrall, R. M.
O'Loghlen, M.

Parker, J.
Parrott, J.
Patteson, J.
Pease, J.
Pechell, Captain
Potter, R.
Poulter, J. S.
Robinson, G. R.
Roebuck, J. A.
Rundle, J.
Ruthven, E.
Scholefield, J
Sharpe, General
Smith, B.
Stanley, E.
Steuart, R.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Colonel
Thornley, T.
Tulk, C. A.
Villiers, C. P.
Wakley, T.
Walter, J.
Warburton, H.
Ward, H. G.
Williams, W.
Williams, Sir J.
Young, G. F.

TELLERS.

Bowring, Dr.
Hume, J.

List of the NOES.

Astley, Sir J.
Bagot, hon. W.
Balfour, T.
Barclay, C.
Baring, H. B.
Baring, W. B.
Bateson, Sir R.
Beckett, rt. hon. Sir J.
Bell, M.
Blamire, W.
Bolling, W.
Buller, Sir J. Y.
Canning, rt. hon. Sir S.
Chaplin, Colonel
Chapman, A.
Clive, Lord
Clive, hon. R. H.
Cole, Lord
Conolly, E. M.
Copeland, W. T.
Darlington, Earl of
Duncombe, hon. W.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Elley, Sir J.
Finch, G.
Fleming, J.
Folkes, Sir W.
Forbes, W.
Forster, C. S.
Gaskell, J. M.
Gisborne, T.
Gore, O.
Goulburn, Sergeant
Graham, rt. hon. Sir J.
Greisley, Sir R.
Hale, R. B.
Hamilton, Lord C.
Hardinge, rt. hon. Sir H.
Henniker, Lord
Hope, J.
Johnston, A.
Ker, D.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lees, J. F.
Lemon, Sir C.
Lygon, hon Colonel
Maclean, D.
Mahon, Lord
Miles, W.
Mordaunt, Sir J.
Morpeth, Lord
Neeld, J.
North, F.
Packe, C. W.
Penruddock, J. H.
Perceval, Col.
Plumptre, J. P.
Praed, J. B.
Price, R.
Pryme, G.
Pusey, P.
Ridley, Sir M. W.
Rooper, J. B.
Ross, C.
Rushbrooke, Col.
Russell, Lord John
Sanderson, R.
Scarlett, hon. R.
Scott, Sir E. D.
Sheppard, T.
Somerset, Lord G.
Stanley, Lord
Townley, R. G.
Trevor, hon. A.
Twiss, H.
Wilson, H.
Wodehouse, E.
Wrightson, W. B.
Wrottesley, Sir J.
Wynn, rt. hon. C. W.

TELLERS.

Freemantle, Sir T.
Goulburn, rt. hon. H.

OBSERVANCE OF THE SABBATH.] Sir *Andrew Agnew* moved the second reading of the Sabbath Observance Bill. The numerous petitions which had just now been presented, he said, were a proof that a very different feeling existed out of doors with reference to this subject, than seemed generally to prevail within the walls of Parliament. The scene which had just been witnessed in the presentation of petitions was alone sufficient to justify him in the introduction of this Bill. He much feared that the difference of feeling arose from the imperfections of the humble advocate of the measure in the House. Hon. Members said, that this measure attacked the poor by depriving them of their rational enjoyments. He would ask them whether, if their lot had been cast amongst the working classes, and they were obliged to labour for six, nay seven days in the week, would they give an ironical cheer at the introduction of a measure which would prevent their labouring on the seventh day. From what he knew of the opinions of the working classes, he was sure that if he were addressing the same number of mechanics as there were hon. Members opposite, they would, to a man, give him their support. The best way to protect the labourer was to save him from the constraint now put upon him. How could the working classes be debarred from their rational enjoyments by this Bill, when many of them were now obliged to labour seven days in the week all the year round? The principle of restraining men from Sabbath labour was—that the poor man may have the option of going free on the Sabbath-day, and of spending it in that religious worship which was in accordance with his conscience. Those he meant to include under the term poor, were the thousands—hundreds of thousands he might say—who were forced to work on the Sabbath, or who, if they refused, risked the loss of employment on the other days of the week. The object of the Bill was to give protection to every person engaged in trade or business in abstaining from labour on the Sabbath. He held in his hand a petition from the fishmongers and poulterers of London, anxiously praying for protection; and here was a proof that those who contributed to the luxuries of the rich sought for a cessation of labour, and that the protection given to them would, in effect, be an indirect coercion to the rich, who would be deprived of the luxuries they now enjoyed on the Sabbath. Practically, the rich would be restrained, and the poor set free from toil.

When the Anti-Slavery question was under discussion, it was tauntingly said, that had it been necessary for every man to pay down 5*s.* on signing his name, the signatures would have been much less; as it was, it cost a man nothing to sympathize with the slave. And so in the Factory Question of ten hours' labour, which he had warmly supported, it cost him nothing to sympathize with the poor children. But the petitions of this evening prayed for restrictions upon their own class. Many friends had written to him since the introduction of this Bill, to know how they could assist its progress; and in reply he had explained the difficulty of getting the Members of the House to believe the people's wishes when expressed in petitions signed indiscriminately by persons of all trades. He had suggested, that the example of Chelsea should be followed; from whence have come up ten separate petitions from the members of separate trades, which it was impossible to misunderstand, unless the House were determined to do so. Many such petitions had this night been laid on the Table; he would only mention two examples which had come from the extremes of the kingdom. At Inverness, the several incorporated trades had separately petitioned; and at Bath the coach-proprietors, butchers, bakers, hucksters, and hair-dressers, had within a very few days, followed out the same suggestion. Some coach-proprietors in other places had endeavoured to discontinue their Sunday coaches, and a few had ceased; but some were thought necessary, as the Monday markets of the metropolis occasion the sending up to town of so much more merchandize on the Lord's-day than on any other day of the week. If the House had thought it right to remove the Monday markets to Tuesday, this evil would have been abated. Here, then, was a case in which the protection of the Legislature was required. When hon. Members talked of Sunday travelling, they seemed to take it for granted that the travellers themselves were alone interested. They forgot the coachmen and guards, the inn-keepers and their families, book-keepers, ostlers, their assistants the horse-keepers, and several others dependent on, or connected with, the vehicles on the road. Let hon. Members consider that for every mile travelled on a Sunday, in a public coach, there were numbers of immortal beings like themselves, so employed in connexion with that travelling, who were thus, contrary to their wishes, unable to attend Divine worship. It was stated, that for every mile so travelled, about one man and one horse were required. Letters which he had received from all parts of the country, described the degraded condition of the men whose work was continued on the Lord's-day, and they added, that that degradation existed in proportion as the men were obliged to work more or less on the Sabbath, for that the most degraded were those who were the most employed on that day. This fact was stated in evidence three years ago. Hon. Gentlemen might laugh if they pleased, but hundreds of petitioners complained of this grievance. He could not conceive how hon. Members, calling themselves the friends of the people, and professing to bow down before their opinions, could laugh at their petitions, and reject their prayer. As an instance of the good effects which might be expected to result from the cessation of Sunday labour, he might mention the case of the Mersey and Irwell Canal Company, who put a stop to Sunday navigation; and that excellent regulation had been productive of the greatest moral effects upon the men. They were required to work to twelve o'clock on the Saturday night, and to commence work again at twelve on the Sunday night. This was very laborious, but the men had pledged themselves to save their masters from loss. This was one great step towards the desired reform on this subject. These men had expressed, in a petition to this House presented this evening, their great gratitude to the proprietors of the canal for the boon thus granted to them. Other canal companies had sought to take advantage of this merciful indulgence to the poor man, and rival establishments had held it out as an inducement to the public to deal with them, that there was no remission of work on the canals on Sundays more than any other days. Thus, other carriers endeavoured to gain advantage, by holding out the inducement to the merchants of superior speed by Sunday travelling on the canals. This was not a question merely with reference to merchandize, but the immortal souls of their fellow-men were disregarded by the avaricious masters, who, for their own paltry gain, refused to listen to the spiritual interests of their poor boatmen

Perhaps the hon. Member for Wigan, who was so well acquainted with Manchester, could explain how the masters, there, reconciled such proceedings to their own feelings? A statement sent from two locks in Hertfordshire showed that a greater amount of tonnage passed on Sundays, by thirty per cent., than on Saturdays and Mondays, and other days. The system of Sabbath desecration was carried on to such an extent at present, that he had little doubt the public voice would, before long, be strongly expressed on the necessity of some legislative enactment to restrain it; and though hon. Members opposite might sneer at the matter now, the time would come when Sabbath legislation would be a popular question, brought forward by some popular Member. Unfortunately, however, those who were most affected by the non-observance of the Sabbath were below the grade of constituents, and seemed to occupy little of the care of hon. Members, however anxious to be considered liberal. It had been frequently argued that the present Sabbath laws were sufficient, but they had been fully put to the test in different parts of the metropolis, and found to be unavailing to stop the Sunday trading, although voluntary associations had been formed, and the magistracy and parish officers had given their best aid; this had been repeatedly tried on the south of the river, and lately in the north of the town the experiment had been tried on a larger scale, where hundreds of promises had been given for closing shops on the Lord's-day. But by the obstinacy and avarice of the few, tempting their neighbours, through fear of competition and the loss of customers, the evil had spread, and all was nearly as bad as it was before. The Attorney-General being consulted as to the validity of some proceedings in Lambeth, confirmed the validity of a warrant of the magistrates of Union Hall, but expressed regret that they had attempted to put into execution a Statute which, he remarked, by no means furthered its object; the attempt to enforce the present law in that district had therefore been given up. His Bill went to protect every man's religious liberty, so that he might follow the dictates of his own conscience in the observance of the Sabbath; but an attempt to regulate the domestic arrangements within the House of the rich man would only introduce a principle which, when carried down the scale of society, would prove most oppressive to the poor householder himself. The fourth commandment, upon which all our proceedings rest, being addressed especially to the conscience of man, as the head of a family, it was incumbent on him to see that his son and his daughter, his man-servant and his maid-servant, obeyed the Divine law. And it was to set every Christian man free, thus within his family, to worship Almighty God according to his conscience, that this Bill was framed. It was his wish, that an opportunity should be given to every man to attend Divine worship on the Sabbath according to his conscience; at the same time he would not enter into the private house of any man. Any measure that would warrant the Magistrates in going into the house of the rich man would be equally applicable to the house of the poor man. He, therefore, would not propose any regulations which would act upon the domestic concerns of either class. He admitted that the obligation of Sabbath observance should apply equally to all, and he was aware there were many instances in which the conduct of masters interfered with the conscientious feelings of their household servants; but he saw no means of interfering in those instances, without adopting a principle which should bear equally on all classes. "The hon. Baronet moved that the Bill be read a second time."

Mr. *Plumptre* seconded the motion. Every class of the community had expressed their wish that the House would afford them protection on the Lord's Day, and enable them to rest from their fatiguing labours. But this was the lowest ground on which the principle of the Bill could be defended. In legislating for the West-India slaves they preserved for their use part of Saturday and the whole of Sunday. There were other considerations necessary to be acted on than those involved in the authority of the fourth commandment. Other commandments had additional influence imparted to them by the force of human laws. Legislators did not suffer the murderer to escape unpunished. His hon. Friend had evinced his zeal, his sincerity, and great perseverance in his efforts for the protection of the trading classes, and the public might feel assured that he would bring the subject again and again before the House till he obtained protection for the people on the Lord's Day.

Mr. *Ward* moved, as an amendment, that the Bill be read a second time this day six months. He did so without the slightest wish to approach the subject with anything like ribaldry, but from the firmest conviction that the measure was most objectionable in point of principle. So far as he could discover any principle on which the measure was founded, the only principle he could discover was, that all classes were bound to abide by every word contained in the fourth commandment, and if that really was the principle on which the hon. Baronet set out, then he must say the hon. Baronet had failed to carry out that principle; for, by the 26th clause, he excepted menial servants from the operation of the Bill. This was contrary to Divine law, which, if legislation was to take place, ought to be adhered to. The hon. Baronet said, that this was a Bill of liberty to the poor man; but what liberty did he leave? Why, the hon. Baronet took away from him the power of locomotion—he confined him within the narrow street of a great metropolis in which his daily work was performed. No omnibus was to run to carry him to fresh air, no steamboat was to ply—and yet the hon. Baronet called this a poor man's Bill. Though, doubtless, the Bill would by its operation subject the rich to some inconvenience, yet he denied that it would work relief to the poor labouring classes—on the contrary, it would press with tenfold hardship on them. The very first clause prevented them from purchasing food on the Sunday morning, though they had not been paid their earnings until a late hour on the preceding night. If the poor man should walk out in order to escape from the confinement to which the hon. Baronet would still hold him, he would find the tea-gardens closed against him, and even the most wholesome beverage denied to him. He would not weary the House by going into details; but he asked the hon. Baronet whether he thought it possible that in a great commercial country like this any Bill could possibly pass, by which all transactions, of whatever description, and under whatever circumstances, would be stopped for one day? The Bill went to the extent of preventing the sailing of ships on Sunday, even though the wind, which might for some time have been adverse, should accidentally be favourable on that day. Did not the hon. Baronet know that Divine Service was always, at least in King's ships, performed on Sunday while sailing; and on the other hand, that it was most probable that, while ships were in harbour, the sailors would go on shore on Sundays as well as other days, and enter into every sort of debauchery? He did not know whether it was in the recollection of hon. Members that this subject was once submitted to the House of Assembly in the United States of North America. It was supported by petitions from some most respectable men in that country. Well, in the American Assembly a report was made; and the restriction was proposed to be confined to the mail-coaches, which were not to be allowed to travel on the Sunday. But the opponents of the measure very naturally asked,—"Why confine your prayer to the travelling of the mail? Why not stop all the executive functions on the Sunday? Why not require an Act to prevent ships from sailing, or an army from marching, on that day?" The advocates of the measure seemed to forget that the functions of Government were as necessary on a Sunday as any other day in the week, and that it was the Government who enabled even the petitioners to worship God in their own manner, in peace. But all this, which the Americans considered to be impracticable and absurd, the hon. Baronet had boldly proposed. He repeated, that in a great commercial country like this the project was impracticable, and on these grounds he moved the amendment which he had already stated to the House. He concluded by moving that the Bill be read a second time that day six months.

Captain *Pechell* said, that he had presented some petitions praying for the better observance of the Sabbath, and was anxious to support some legislative measure on the subject. He found it impossible, however, to give his vote in favour of the Bill before the House, because it was quite impossible to modify it so as to make it a tolerable measure. From most of the fishing ports the fishing boats sailed on Sunday afternoon, the fishermen coming in on the Saturday, to enable them to perform their religious duties. The hon. Baronet's Bill would put a stop to the whole of the fisheries of this country.

Colonel *Thompson* would oppose the Bill on a broader ground than any that had been stated yet. He would assert roundly, that there was no basis in the Christian Scriptures for the attempt to enforce the Judaical observance of the Sabbath; and, if Members on the other side thought differently, he challenged them to produce their proofs. If the Catholic Members in that House were to bring in a Bill, the preamble of which declared, that the sacrifice of the mass was a principal part of the true service of God, it would be considered as an indecent and unjustifiable attempt to force their own religious opinions on those who denied their authenticity. It was equally indecent and unjustifiable for Members on the other side to attempt to force their own opinions upon those who totally denied the existence of any authority for them in the Scripture, from which they were professed to be deduced.

Mr. *Aglionby*, amidst general cries of "Question," read a letter, which he had received from the Secretary of the Mechanics' Institution at Cockermouth, thanking him for the opposition he offered to the Sunday Bills. He thought that letter was a proof that the statement of the hon. Baronet, that the poorer classes were all in favour of the Bill before the House was not correct.

Mr. *Shaw* would support the second reading of the Bill, although he could not approve of all its details. He felt, with the many petitions that had addressed the House on the subject, in petitions presented by himself and other Members, that some enactment to enforce the better observance of the Lord's day was imperatively required, and he thought the proper mode of dealing with the measure then before them was to go into Committee upon it, and there to retain what was good, and to strike out what was objectionable in its provisions. He concurred in the statements of the preamble, that it was the bounden duty of Parliament to protect every class of society against being required to sacrifice their comfort and religious privileges on the Sabbath day, and that the laws now in existence were found practically insufficient for that purpose. He should like to see the various and nearly obsolete statutes bearing on the question repealed, and one simple and efficacious enactment substituted for them. Such an act, he thought, ought to provide against hiring, trading, drunkenness, gaming, sporting, and everything which was inconsistent with public decorum—in all these respects, then, he approved of the present Bill—but he did not conceive it possible in a great commercial country, such as this, to retain the clauses against vessels sailing, or matters being transmitted by public conveyances on the Sabbath day—neither would he support the 9th and 10th clauses, which he felt would bear unevenly upon the humbler classes in prohibiting them from the use of hired carriages and horses on the Sunday, unless at the same time it were possible to prevent the higher and wealthier classes from using their own. He entirely concurred in the sentiment which had been quoted at the other side of the House, that it was impossible to make man religious by Act of Parliament. He was aware that the Sabbath could only be kept truly holy by means above the reach of human legislation—but still he considered it was the duty of a Christian legislature to promote the outward observances of morality, to suppress everything which offended against the public morals, and to prevent, as far as possible, the desecration of that day which was set apart as well by the law as by religion for sacred purposes. He would, therefore, gladly vote for the second reading of the Bill, believing that in Committee the great object he had in view might be promoted, while in other respects the measure could be rendered more reasonable, due regard being had to the existing circumstances of society.

Lord *Arthur Lennox* expressed his determination to vote in favour of the second reading, for the same reason as that stated by the preceding speaker.

Mr. *Pryme* had voted for former Bills introduced by the hon. Baronet, in the hope the severity of their enactments might be mitigated in Committee; but perceiving that the present measure went even further than any of the preceding Bills on the same subject, he could not consent to vote for the second reading.

Mr. *Cumming Bruce*, though he could not acquiesce in all the enactments of the Bill, would vote for the second reading, because he thought it the duty of that House and of every Christian Government to sanction, as far as possible, by human enactments, the due observance of the Lord's day.

Mr. *Hughes Hughes* rose to remind the hon. Member for Cambridge, who had expressed his intention to vote against the present Bill, that the Bill was the identical measure, word for word, to which that hon. Member had, on former occasions, given his support. He did not mean to follow the example of the hon. Member for Cambridge, and should certainly vote for the second reading of the Bill.

Sir *Stratford Canning* was favourable to the principle of the Bill, but he was anxious to guard himself against the supposition that he was ready to go the whole length of its details. Considering that the subject was one of great importance, considering also the number of petitions which had been presented with respect to it, and the different quarters from which they came, he thought it would be more becoming in the House to allow the Bill to go to a Committee, there to be altered, than to throw it out at the present stage.

Lord *John Russell* should not feel indisposed to vote for the second reading if he thought it possible that the Bill could be amended in Committee, but the whole Bill was, in his opinion, so defective, that not a single clause could be adopted with advantage. He therefore objected to proceeding any further with the measure, because it was calculated to cast ridicule upon every future attempt at legislation on the subject.

Mr. *Andrew Johnston* was rendered almost wholly inaudible by the impatience of the House to divide. He was understood to express his regret that the noble Lord did not give his sanction to the Bill, and to recommend the hon. Baronet (Sir Andrew Agnew), in deference to the feeling of the House, to make his measure less extensive in its operation.

Mr. *Charles Barclay* had voted for the first reading of the Bill, because he thought it only right to give the hon. Member an opportunity of introducing his measure. He had since examined the provisions of the Bill, and they were certainly of such a nature that he must oppose them. He thought that those hon. Members who had expressed an intention to vote for the second reading were only practising a delusion on the hon. Baronet (Sir Andrew Agnew), because every one of them had expressed a desire to see the Bill totally changed in Committee. It was not his lot to have travelled abroad, but, from all that he had heard, he believed the Sabbath was far better observed in this country than in any other; and he was of opinion, that no legislative enactment that could be devised would compel individuals to lead a more moral or more religious life. He was unwilling to interfere with the amusements of the lower classes. He liked to see the children in his neighbourhood amusing themselves on a Sunday at a game of cricket, or in taking a walk in the afternoon. He could not bring himself to consent to prevent the lower classes, who were confined at work during six days of the week, from enjoying themselves during a portion of the seventh. For these reasons he should vote against the second reading of the bill.

Mr. *Hardy* said, that as his hon. Friend wished for a stringent observance of the Sabbath, others a less stringent observance of it, and another class of persons a very lax observance of it, he thought the only course the House could take was, to permit the Bill to go into Committee, when every Gentleman would have the opportunity of submitting such amendments as appeared to them proper, in order to make the Bill assume the shape of an Act of Parliament.

The House divided on the original question:—Ayes 43; Noes 75; Majority 32.

Bill put off for six months.

List of the AYES.

Bagot, hon. W.
Baines, E.
Balfour, T.
Bateson, Sir R.
Becket, rt. hon. Sir J.
Brocklehurst, J.
Bruce, C. L. C.
Chapman, A.
Chichester, A.
Chisholm, A. W.
Conolly, E. M.
Dunbar, G.
Dunlop, J.
Eaton, R. J.
Edwards, J.
Fector, J. M.
Finch, G.
Fleetwood, P. H.
Fleming, J.
Forbes, W.
Forster, C. S.
Fremantle, Sir T.
Glynne, Sir S.
Green, T.
Hale, R. B.
Hardy, J.
Hughes, W. H.
Jackson, Sergeant
Jones, W.
Lees, J. F.
Lefroy, A.
Lennox, Lord A.
Lowther, J. H.
Miles, W.
Pease, J.
Plumptre, J. P.
Plunket, hon. R. E.
Shaw, right hon. F.
Sheppard, T.
Smith, A.
Thompson, Alderman
Verney, Sir H.
Wilson, H.
Young, G. F.

TELLERS.
Agnew, Sir A.
Johnston, A.

List of the NOES,

Aglionby, H. A.
Alston, R.
Barclay, C.
Baring, F.
Barnard, E. G.
Barry, G. S.
Beauclerk, Major
Bernal, R.
Bish, T.
Bowes, John
Bowring, Dr.
Bridgeman, H.
Browne, R. D.
Campbell, Sir J.
Churchill, Lord C.
Clay, W.
Clements, Lord
Codrington, Admiral
Crawford, W. S.
Crawley, S.
Curties, H. B.
Duncombe, T.
Ebrington, Lord
Elphinstone, H.
Ewart, W.
Fitzroy, Lord C.
Fort, J.
Hawes, B.
Hawkins, J. H.
Hector, C J.
Heneage, E.
Horseman, E.

Howard, P. H.
Howick, Lord
Hume, J.
Hutt, W.
Jephson, C. D.
Jervis, J.
Langton, W. G.
Lennox, Lord G.
Lushington, Dr.
M'Leod, R.
M'Taggart, J.
Marjoribanks, S.
Marsland, H.
Mostyn, hon. E.
Mullins, F. W.
O'Loghlen, M.
Parrott, J.
Pechell, Captain
Philips, M.
Philips, G. R.
Potter, R.
Roche, D.
Roebuck, J. A.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Ruthven, E.
Sharpe, General
Smith, B.
Strutt, E.
Surrey, Earl of
Talbot, J. H.
Tancred, H. W.
Thompson, Colonel
Thornley, T.
Trelawney, Sir W.
Troubridge, Sir E. T.
Villiers, C. P.
Wakley, T.
Wilde, Sergeant
Williams, T. P.
Williams, W.
Wynn, rt. hon. C. W.

TELLERS.

Ward, H. G.
Pryme, G.

Paired off.

FOR.	AGAINST.
Tooke, W.	Ferguson, Sir R.

COMMUTATION OF TITHES (ENGLAND.)] The House went into Committee on the Tithes Commutation (England) Bill.

On Clause 70 being put,

Mr. *Pryme* rose to move, that this together with the following clause be expunged from the Bill. As the law now stood, the tithe-owner had no remedy against the owner of the land: his remedy was against the occupier, and he asked what consideration there was given in this Bill, which would always give the tithe-owner the full and in many cases more than the full value of his tithe, that justified the putting into his hands the additional remedy, provided by these two clauses, against the owner of the land. He (Mr. Pryme) had taken the trouble of looking into several Enclosure bills for commuting the tithes of different parishes into a corn-rent—Bills passed with the consent of the Incumbent, and he had invariably found that the clause of distress gave the tithe-owner only the right to come upon the occupier for his corn-rent; so that if the occupier became bankrupt he lost his tithe, as the landlord did his rent. He had never known any one of those Bills in which any other remedy was given; and it did appear to him, that throughout this Bill as well as on this particular point, everything was done for the benefit of the tithe-owner, and no care was taken of the interests of the tithe-payer.

The *Solicitor General* said, it appeared to him that the hon. Member for the borough of Cambridge should have made his objection at the 69th Clause, which gave the tithe-owner the remedy of distress against the land, the tenant being then entitled to take credit for the amount against his landlord. The object of the Bill was simply to lay the charge upon the land in the same manner as a corn-rent.

Mr. *Pryme* observed, that in all Enclosure Bills to which he had looked, when the remedy was given against the goods of the tenant, there was always a restrictive clause limiting the tithe-owner to such crops, utensils, stock, &c., as he found lying upon the premises.

The *Solicitor-General* said, that allowing the tithe-owner had a right to his remedy against the goods of the tenant, in respect of which the tenant was afterwards to take credit against the landlord, to restrict him to such goods as he found lying upon the land was in fact, to leave him remediless; it was arguing *ad absurdum* to propose such a limitation, for in that case the tithe-owner would have no control over his remedy; the tenant having merely to remove his goods off the premises, and set him at defiance. He (Mr. Solicitor General) could not sit down without referring to the remark which the hon. Member for Cambridge had made, and which was often heard from some Gentlemen in the House: namely, that the Bill was in fact calculated to produce a *unilateral* kind of benefit only to the tithe-owner. The Bill should be looked at not in particular and isolated portions, but as a whole, and the inquiry should be not whether they or that part of it were more beneficial to one party or the other, but whether, taking all its parts together, it provided for a fair and equitable commutation. Taking that view of it he did not think it would be considered unfair to give the owner of the rent-charge the remedy which these clauses provided, ousting as they did all remedy against the person.

Sir *Henry Verney* considered, that as this Bill would render tithes greatly more valuable than they were at present, the objection of the hon. Member for Cambridge (Town), was one of great importance and well worthy of the noble Lord's attention. The noble Lord (John Russell) would by carrying this Bill confer a benefit on the country only equal in extent to that which he had already conferred upon it by the Reform Bills and the Poor-law Bill; but he (Sir H. Verney) did think, that in giving the remedy to the tithe-owner which these clauses provided he would be doing injustice.

Lord *John Russell*: The question in my opinion is not whether the amount of benefit conferred by this Bill on the tithe-owner or the tithe-payer be the greater. The object of this Bill is, that whatever the amount of the rent-charge which it gives the tithe-owner, whether one-third or a-half, or one-quarter more or less than the present amount of his tithe, the tithe-owner should have a sufficient remedy for its recovery. Now I conceive these clauses to provide no more than the sufficient remedy; however, should the House think otherwise, I shall propose another, which I have now in my hand, giving him the power of bringing an action for his rent charge. Some remedy he must have, or the Bill will be inoperative.

It was formally agreed that the hon. Member for Cambridge should bring forward his objection at a future stage of the Bill and the clauses were postponed.

On the 76th Clause being proposed,

Mr. *T. Duncombe* moved to leave out the following words—"or the tithes of fish, or of fishing, or to the tithes of mills, or any personal tithes, or to any mixed tithes not arising upon land;" and to add these words, by way of proviso, at the end of such section—"that from and after the passing of this Act, all tithes of fish or of fishing, or of personal tithes, shall cease and determine. The hon. Member said, that his reason for proposing this amendment was, that nothing could be more barbarous and cruel than to take tithe from poor fishermen, who were not only risking their little property, but also their lives, in catching the fish upon which the tithe was collected. In illustration of the barbarity of this practice he read an extract from Cobbett's *Legacy to Parsons*, and to show the hardship of personal tithes he mentioned a case which occurred in the East Riding of Yorkshire in 1833, wherein two clerical magistrates had committed a poor labouring man to prison for three months for non-payment of a tithe of 3*s.* 4*d.* upon the amount of his wages.

Lord *John Russell* admitted, that there was great hardship in these personal tithes; and said, that for his own part, he should be glad to abolish them. At the same time he must observe, that it did not appear to him to be just to abolish in this way, by a single clause, the established claims of the clergy. He thought, that the Commissioners of tithes should be instructed to collect all the information they could as to the nature and amount of the species of tithe which the hon. Member for Finsbury proposed to abolish. They ought to be instructed to ascertain the number of cases in which the clergy had a right to this species of tithes, and then it would be for Parliament to determine what compensation the clergy were entitled to receive before this right was abolished. It was a question which, for the sake of the labourers and fishermen of the country, Parliament ought at no very distant day to take into its serious consideration. It ought not, however, to be forgotten that a great friend of the church—he meant the Bishop of Exeter—had declared in his place in Parliament that the church had of late generally abandoned its right to personal tithe. Still there was some clergymen who were disposed to stand upon their strict right. That being the case, he thought the House ought not to abolish the right without inquiry and without compensation, by a proviso introduced into a clause at the end of an Act of Parliament.

The *Attorney-General* observed, that hon. Gentlemen seemed to have forgotten that this was a Bill for the commutation of tithe. Now, to propose the abolition of tithe under a Bill of which the object was the commutation of tithe, was about as preposterous as to propose to abolish municipal institutions under a Bill of which the object was to amend and reform such institutions. For such a proposition as that made by the hon. Member for Finsbury he could find no precedent, nor indeed anything analogous, save the proposition to which he had just alluded. Having said thus much, he would only, add, that if the hon. Member would bring in a distinct Bill for the abolition of "all tithe of fish, or of fishing, or of personal tithe," he (the Attorney-General) would pledge himself to support it. But he must oppose any proposition which was likely to clog the present Bill with a clause which was inconsistent both with its title and its spirit.

Lord *John Russell* said, if the House should be of opinion that personal tithes should be abolished, he should be ready to bring in a Bill on the subject, but he did not think it should make part of the present measure.

Mr. *Thomas Duncombe*: With reference to the observation of the Attorney-General what he proposed with respect to tithes was as preposterous as the project for getting rid altogether of corporations when proposed as an amendment to the Bill for their regulation, expressed a hope that should any such Bill be brought down to that House, that the opinion of the hon. and learned Gentleman would not be forgotten.

Lord *John Russell* said, though he should be ready to introduce a Bill to abolish personal tithes, he could not include the tithe on fish; but he should propose to submit to the Commissioners that they should make an inquiry into the circumstances as regarded the coasts of Norfolk, Cornwall, and other places, with a view to some measure being framed on the subject.

The Committee divided on the original question: Ayes 96; Noes 50—Majority 46.

Clauses to 81 agreed to.

Mr. *Gally Knight* rose to move an additional clause, but was very indistinctly heard. He was understood to say, that there was not enough of land to bear the amount of tithe with which it was proposed to burden it by those who sought to put an end to tithe on personal labour, and he decidedly objected to money payments, on account of the fluctuations to which the value of money was at all times subject. He therefore would move a clause to the effect, that "it be enacted, that at any time, and from time to time, after the tithes of any lands shall have been commuted under the hands and seals of the Commissioners, it shall be lawful for the owner of the tithes or rent-charge, or apportioned rent in lieu of the tithes of any such lands respectively, to agree with the owner of the same lands for the sale and extinguishment of any such rent-charge or apportioned rent-charge, either in commutation of any messuages, lands, or other hereditaments, of competent value, or of a gross sum or sums of money of competent amount, such value, of land or amount of money to be, by the means hereafter mentioned, ascertained to be a full and proper consideration or price for such purchase, and the title to the messuages, lands or hereditaments proposed as such consideration, being approved of as hereafter is provided." The clause was brought up.

After a short conversation, the clause was withdrawn, the hon. Member intimating that he would take another opportunity of bringing it before the House.

The House resumed: the Report to be received.

IRISH CONSTABULARY.] Viscount *Morpeth* moved, that the amendments made by the House of Lords to the Irish Constabulary Bill be further considered. The noble Lord said, that several amendments had been carried in the House of Lords with respect to this Bill, and this was done with a view to the saving of the public expense, or because it was considered wrong to grant an extensive patronage to the Crown. To these amendments the Government had agreed, and were only going to make an alteration (and to which he understood no opposition would be offered elsewhere), in order to make the Bill more efficacious and more conformable to the state of Ireland. Now it could not be expected in this state of things that opposition to the Bill would come from the other side of the House. They were now within two days of the recess, and if the House did not consent to the amendments before the recess, the consequence must be, that all the constabulary in Ireland would be left in a state of suspense. A distinguished officer was now in London, and waiting from day to day until the royal assent should be given to the Bill. Upon that side of the House they were willing to adopt the amendments, and if any had reason to complain of these amendments, it was they who should do so, as the arrangements for the constabulary force were now waiting to be fully completed. He hoped that where the public was so deeply concerned, no further opposition would be offered.

Lord *Cole* said, that if the Friendly Brothers were to be excluded from the operation of the Bill, he should offer no further opposition to it.

The *Chancellor of the Exchequer* remarked, that the noble Lord had stated the question contended for by the Opposition correctly. It was this—whether an important measure to the public was to pass, or the wishes of a few individuals attended to?

Mr. *Shaw* thought it would be much better to decline the Lords' amendment in the case of the Freemason Societies, than to retain it and refuse to extend it to the Friendly Brothers Societies.

Lord *John Russell* wished to call to the recollection of the House, that in many previous Bills an exemption had been made in favour of Freemason Societies, while as yet the Friendly Brothers Societies were comparatively unknown.

Dr. *Baldwin* observed, that he was well acquainted with the majority of the members of the City of Cork Friendly Brother Societies, and could, without hesitation, state that they were almost to a man persons of Orange politics. There was not a Catholic among them. He therefore hoped the Government would continue to resist the proposition.

Lord *Cole* said, he would try to meet the difficulty by adopting the suggestion of the learned Recorder for Dublin, and move that the Lords' amendment to Clause 16 be not agreed to, or in other words, that the exemption in favour of Freemason Societies be withdrawn from the clause.

The motion negatived.

Lord Cole then moved that the Friendly Brothers Societies be included in the exemption.

The House divided. Ayes 12; Noes 30;—Majority 12.

The Lords' amendments agreed to.

List of the AYES.

Balfour, T.
Beckett, rt. hon. Sir J.
Bramston, T. W.
Buller, Sir J. Y.
Estcourt, T.
Ferguson, Sir R.
Jones, T.
Lefroy, A.
Lowther, J. H.
Plunket, hon. R. E.
Rushbrooke, Colonel
Shaw, rt. hon. F.

TELLERS.

Cole, Lord
Jackson, Sergeant

List of the NOES.

Aglionby, H. A.
Baines, E.
Baldwin, Dr.
Baring, F. T.
Bernal, R.
Blamire, W.
Bowring, Dr.
Bridgeman, H.
Brotherton, J.
Cavendish, hon. C.
Cayley, E. S.
Chalmers, P.
Churchill, Lord C.
Crawford, W. S.
Ebrington, Lord
French, F.
Gordon, R.
Grey, Sir G.
Hawes, B.
Hawkins, J. H.
Hay, Sir A. L.
Howard, P. H.
Jervis, J.
Lee, J. L.
Lefevre, C. S.
Lemon, Sir C.
Loch, J.
Marjoribanks, S.
Morpeth, Lord
Murray, rt. hon. J. A.
O'Brien, W. S.
O'Ferrall, R. M.
O'Loghlen, M.
Palmerston, Lord
Parrott, J.
Pease, J.
Pendarves, E. W. W.
Price, Sir R.
Pryme, G.
Rice, rt. hon. T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Ruthven, E.
Talbot, J. H.
Thomson, rt. hon. C P.
Thompson, Colonel
Thornley, T.
Walker, C. A.
Warburton, H.
Williams, W. A.
Wilson, H.
Wood, C.
Wrightson, W. B.

TELLERS.

Stanley, E. J.
Troubridge, Sir T.

HOUSE OF LORDS,

Thursday, May 19, 1836.

MINUTES.] Bills. Received the Royal Assent:—Aliens' Registration.—Read a second time:—Seamen's Fund (Shetland).

TIMBER DUTIES.] Lord Glenelg presented a Petition from the Legislative Council and Assembly of New Brunswick, deprecating any change in the Timber Duties.

Viscount *Strangford* said, he had a petition to present to their Lordships on this most important subject, but in the present empty state of the House he was unwilling to bring it forward. As, however, the matter was to be brought before the other House of Parliament before the recess, perhaps the noble Lord (Lord Glenelg) would be so good as to allow him to ask, what were the intentions of his Majesty's Government at present as to an alteration of the timber duties, and whether it was proposed to make any alteration with respect to the measurement of deals.

Lord *Glenelg*, in reply to the questions of the noble Viscount, had to state, that the latter, namely, as to the measurement of deals, was at present under the consideration of Government, and that a final determination might shortly be expected. With respect to any change of the timber duties, he begged to say, that it was not the intention of Government to make any change in those duties during the present Session. He might as well add, to prevent all doubts upon the point, that no engagements had been entered into by the British Government with Foreign Powers, so as to fetter the present question in any way before it came regularly before Parliament. It was never in contemplation of the Government to take any such proceeding with regard to the timber duties this Session.

HOUSE OF COMMONS,

Thursday, May 19, 1836.

MINUTES.] Petitions presented. By Mr. S. CRAWFORD, from Castledawson, for the Excise Licences (Scotland);

and against Allowing Grocers to sell Spirituous Liquors.—By Mr. JAMES OSWALD, from the Spirit Dealers of Perth, Musselburgh, for Spirituous Liquors' Sale Bill.—By Mr. HOPE JOHNSTONE, from Dumfries, against any New Charge to the Country by the Collection of the Land Tax.—By Mr. JAMES OSWALD, from the Cotton Spinners of Glasgow, for Repeal of the Duty on Cotton Wool; and from Coach Contractors of Glasgow, for Repeal of the Duty on Post-Horses and Carriages; and from the Merchants of Glasgow, for a Repeal of the Duty on Marine Insurances; and from various Places, against the Salmon Fisheries (Scotland).—By Mr. Sergeant JACKSON and Mr. LUSHINGTON, from Dungannon and Portsmouth, for a Mitigation of the Criminal Code.—By Mr. LOCH, from the Proprietors of Fisheries on the Tay, against the Salmon Fisheries (Scotland).—By Mr. R. WALLACE, from Cummock, for Relief from Statute Labour.

MUNICIPAL CORPORATIONS — (IRELAND) LORDS' AMENDMENTS.] Mr. *William Smith O'Brien*, perceiving that the Irish Municipal Bill was sent down from another place, with certain additions and alterations of a very peculiar nature appended to it, was desirous of inquiring of the noble Lord, the Secretary for the Home Department, what line of proceeding he would adopt on it. For himself as an Irishman, he would say, that he considered the alterations which the Bill had undergone a direct insult to his country; and if no other hon. Member better calculated for bringing the subject before the House would do so, he would feel it an imperative duty, on its introduction, to move that it be read a second time that day six months.

Lord *John Russell:* Sir, in reply to the question put by the hon. Member for Limerick, I beg to state, that it is my intention, as soon as the hour for public business arrives, to move that the amendments introduced by the other House of Parliament be read a first time and printed. When those amendments have been printed and in the hands of hon. Members, their effect and bearing upon the principle of the measure will be fully and clearly understood. I am quite sure that the House will agree with me, that the course which I have ventured to point out is that most becoming the Members of this House, and best calculated to express the calm and deliberate sense of this branch of the Legislature. In the letters of a distinguished foreigner, recently published, speaking in reference to the events of the last year, and to the differences which occurred between the two Houses of Parliament, the writer remarks, as a matter of curious observation, that the assembly which was most popular in its constitution evinced the greatest degree of calmness and temper, whilst that branch of the Legislature which was of an hereditary character, betrayed less temperance of conduct in its proceedings. It is my wish, Sir, that if hereafter differences should unfortunately arise between this and the other House of Parliament, in respect to public measures, that the same character should still attach to the proceedings of this House, and that we may continue to deserve that praise which the writer to whom I have alluded has bestowed on us, not only from foreigners, but from our own countrymen. With respect to these amendments, I have not yet been able to read them all; I am not sufficiently aware of their nature to say how far they do, or do not, preserve the principle embodied in the Bill as it was forwarded from this House, or how far they are calculated to defeat the objects contemplated by that Bill. It would, however, be affectation in me to say, that I am not sufficiently acquainted with the import of those alterations not to know that the Bill has been totally altered in its nature, and that it is no longer what by its title it professed to be when leaving this House, " A Bill for the regulation of Municipal Corporations in Towns in Ireland." From what I can understand of the nature and character of these amendments, the Bill, as now returned to us, may properly be designated an Act for the destruction, the annihilation, and the total abolition of existing Municipal Corporations in Ireland. Having stated thus much as to my understanding of the alterations made in the Bill, I must say, that when I shall have hereafter to propose this matter for the consideration of this House, so far from seeking for any collision, I shall be ready, calmly and temperately, to discuss the amendments introduced by the other House, and to make every concession consistent with the dignity of this branch of the Legislature. If it were stated that the municipal franchise was not in every instance confided to precisely that class which could exercise it most advantageously—if it were said that the powers vested in the different municipal governments were too circumscribed in some cases, and too extended in others, I for one should have been ready to discuss these alterations. On all such points I should have no objection to come to a fair and reasonable compromise. But I trust the House will do me the justice to suppose that I must remain free from the imputation of being a participator in depriving the people of Ireland altogether of municipal government, and thereby inflicting on them a mark of distinction, which cannot but be considered as a stigma and degradation. It has been the wish of the House to unite the people of the sister kingdom in one common bond of affection and interest with the people of England and Scotland, and I cannot think that this object will be attained by a measure which inflicts by the power of England degradation on Ireland. If six out of eight millions of the inhabitants of that country were alien to the people of this country in descent, differing from them in language and in religion, and were only anxious for an opportunity to shake off a Government which they considered tyrannical and oppressive, then perhaps I might be prepared to deprive the people of Ireland altogether of free institutions, and to look to the sword alone as the means of maintaining our empire. But having no such belief, entertaining no such opinion, but wishing that the people of Ireland should be firmly united to this country, and convinced that if they are treated—I will not say with indulgence, I will not say with kindness, I will not say with generosity, but I will say with justice—with that justice with which Englishmen should be prepared, and I believe are prepared, to treat their fellow-subjects;—in that spirit, in the spirit of the concession made in 1793, in the spirit of the concession called Catholic Emancipation, and in the spirit with which, since that date, the penal laws have been relaxed, I shall be ready to argue that unless you choose to go back and to change your policy altogether (whatever may be our views with respect to some of the amendments, and the particular bearing of certain of the provisions of the Bill), this House will not consent to deprive Ireland altogether of the hope of municipal government. If it should do so, this House would not only be striking a blow at the union with Ireland, it would not merely be acting partially and unjustly on an Irish question, but it would be inflicting a wound on the spirit of free government itself. We should declare that that discussion, that that debate, that that division of opinion, which are the consequences and concomitants of all free government, were no longer in the English House of Commons to be approved or even tolerated. Having thus, without going into an argument upon the especial provisions of these amendments, stated my view of any plan, or of any change in the Bill which would go the length of abolishing or destroying municipal government altogether in Ireland, I shall merely conclude by moving that the Lords' Amendments be printed, and taken into consideration on a future day, which I shall presently name.

Sir *George Sinclair* said, it is well, Sir, for the Protestants of the empire, and especially of Ireland, that the measures adopted by this House are subjected to the revision of another tribunal, which it is not in the power of his Majesty's Ministers to cajole, to intimidate, or to dissolve. No public assembly deserves or enjoys at the present eventful crisis so prominent a place in the confidence, respect, and gratitude of the religious and enlightened portion of the community. By a great majority of those who have anything to lose, and who are interested in maintaining the institutions of the country, the House of Lords is considered as the main bulwark of our church establishments and the chief barrier against democratic encroachment. The noble Lord may think it proper to hold conciliatory language in this House, but I would call his attention to a letter which has this day appeared in the *Morning Chronicle* from Mr. O'Connell, a paragraph of which bears directly upon the question now before us. It is,

> "I wish to know whether the British people are ready to submit in quiet and without remonstrance to the irresponsible, and therefore despotic authority of that assembly, or will they now join with me to make the union real, by insisting, in a voice too distinct to be misunderstood, and too loud to be neglected, upon an organic change in that assembly, such as has become absolutely necessary for the consolidation of a real union between both countries, and for the advancement of good government in each? 1. We will have Lord Lyndhurst's Bill kicked out. No compromise, no submission; the Lords have commenced the collision; they have taken their choice to rest that collision upon the insulting iniquity of refusing Corporate Reform to Ireland. We only follow in their track by throwing out the Bill, and join issue with them to the country. 2. We appeal to the people of England for aid and assistance; we are entitled to that aid and assistance. In the name of the people of Ireland I call upon you for that aid and assistance."

I quite agree with Mr. O'Connell in his opinion, that what he calls justice to Ireland can never be effected otherwise than by an organic change in the constitution of the House of Lords; I therefore call upon, and am entitled to call upon, his Majesty's Ministers, and to ask them whether they are prepared to recommend such a measure to his Majesty? Of this they may rest assured, that they will find the courage of the House of Lords unflinching and invincible. I am persuaded that there is not a single Member of the majority by which such signal and ignominious defeats have been inflicted on his Majesty's Ministers, whom any menaces either in this House or out of doors will cause to swerve from the path of duty. The Lords are quite aware of their own strength. Ultra-Whiggism and Radicalism are like two portentous giants brandishing enormous clubs, and threatening a whole phalanx of antagonists with annihilation at a single blow; but if any adventurous knight advances fearlessly to the rencontre, the two colossal monsters are at once metamorphosed into gaunt corporals, and their weapons fall powerless from their hands. We heard a great deal last year of bullying and blustering about altering the constitution of the House of Lords, and sundry formidable notices were elicited by the remarks which I myself took the liberty to submit; but all this vaunting and vapouring terminated in the utter abandonment of the propositions thus recorded, and nothing ensued but a display of vague and vapid declamation. Why do not the Gentlemen who, out of doors, are the Bombardinians and Bombastes Furiosos of reform in the House of Lords, come forward at this moment with their specific propositions? The Order Book is before them, pen and ink are at their service; and I challenge any one of them to place a definite motion on the table. Not one of them has ventured to take so bold and decisive a step, or to say one word upon the subject within these walls. [*Several hon. Members*; The Attorney-General.] I beg my learned Friend's pardon; I forgot that this enviable distinction belonged to him; and the ominous Red Book lies most seasonably within his reach, so that a notice for effecting an organic change in the constitution of the House of Lords may at this moment be recorded by the first law-officer of the Crown. Sir, his Majesty's Ministers have in no respect evinced such unparalleled dexterity as in muzzling and manacling their Radical confederates. In this respect they remind me of what I once heard concerning certain Indian jugglers, who constituted, a few years ago, the delight and admiration of the metropolis. I was informed, that each of these wonderful conjurors, among other notable feats, used to take a basket full of boa constrictors out of a cage, and would allow them with perfect impunity to coil round his thighs, legs, arms, or neck, and even, I believe, to put their heads into his mouth. If any uninitiated bystander had taken any similar liberties with these dangerous animals he would at once have been stung to the quick; but if one of the conjurors held up his forefinger, or touched them with his wand, they quietly uncoiled themselves and crawled back to their respective dens, where they were no sooner arrived than their eyes glared, their mouths foamed, and their hisses were so appalling, that the stoutest heart began to quail. The Radicals in this House are in a similar state of subjugation to the potent spells of his Majesty's Government. The left wing of the confederate army plays the game of "follow my leader" with the same facility as the right. All their own peculiar nostrums are either mitigated or laid on the shelf; but as soon as they return to their respective constituencies, and require to make a grand display at some great dinner or public meeting, the public is regaled with most eloquent effusions upon House of Lords reform, or annual parliaments, or any of the other peculiar doctrines which bewilder and impose upon the multitude. Look, for instance, at the case of my hon. Friend, the Member for Middlesex; he seems to me to have of late had at least two fits of political paralysis; his mouth is drawn altogether to one side; his tongue refuses any longer to discharge that effort which is at one time executed with so much zeal and ability, of demolishing superfluous patronage, and denouncing Ministerial profusion. Ah, Sir, my hon. Friend would not have been caught napping if a Tory Government had proposed such extravagant measures as he now leaves for the salutary correction of the House of Lords. We should then have had no voting that black was white, but we should have had debate upon debate, and division upon division, and every clause would have been sifted, and every fraction of every charge contested, with unshrinking pertinacity, and the lists of majorities and minorities would have been circulated in red and black ink throughout every district in the empire. Before I conclude, I once more turn to the noble Lord, and ask him how he expects, that without an organic change in the House of Lords, he can ever hope to carry the clause for pillaging the Church of Ireland of its property, or any Bill for establishing throughout Ireland a chain of Popish fortresses for endangering the security of the Protestant population? Does the noble Lord recollect the expedient to which Brennus had recourse for overwhelming that august assembly of Roman patricians whose constancy he could not subdue? He led into the senate-house "a band of fierce barbarians from the hills," and immolated those illustrious patriots at the shrine of their gods and of their country. And thus, Sir, the noble Lord, if he wishes to carry through these pernicious enactments, must march into the House of Lords with 150 titled lacquies in blue and buff liveries at his heels. The noble Lord has quoted the opinion of a distinguished foreigner with regard to the comparative merits of the Houses of Parliament. Sir, I contend, if we may judge from experience and observation, there is a great preponderance in this country of hereditary over elective talent. How few Bills are ever sent up from this House which do not bear the most palpable and humiliating marks of crude and partial legislation! And it is as much the practice, as it is the province of the House of Peers, to detect our anomalies, to rectify our blunders, to supply our omissions, and to reconcile our incongruities. I ask every one who hears me, whether there is any comparison between the attention paid to our debates, and the interest excited when the same question is discussed in another place? How few Peers are found seated during our debates on the commodious benches provided for their reception; but when the very same Bill is discussed in the House of Lords, we find half the Cabinet Ministers, and all the leaders of opposition, and even many of the staunchest House of Lords' reformers standing with great personal inconvenience, at their bar for hours together, and listening with delight, perhaps not unmingled with envy, to the wisdom and ability which are there continually displayed. How grudgingly do these delighted auditors retire, when summoned by a division-bell, to vote upon some question in this House, of the debate concerning which they have not heard one single word. But, Sir, we cannot be surprised at this superiority in the House of Lords, when we remember that there are found in that assembly the most learned of our clergy, the most profound of our lawyers, the most distinguished of our heroes, and the most influential of our country gentlemen. I conclude by reiterating the expression of my conviction, that the conduct of the House of Lords will create throughout the country a feeling of confidence, and thankfulness on the part of those whose approbation it must be the object of every generous and well-regulated mind to conciliate and to possess, and that the names of those noblemen who have stood prominently forward as the defenders of our Protestant institutions, will be handed down to the latest posterity among the most distinguished patriots of this age and nation.

Lord *John Russell* merely rose to say, that whatever reason there might be in the hon. Baronet's speech, it was not to be taken as an answer to anything he had said. He had not entered into the merits of the House of Lords. He had said nothing, nor had he intended to say anything upon the question whether or not they were deserving of that high panegyric which the hon. Baronet had pronounced upon them. He therefore hoped the House would not be led by the hon. Baronet's speech into a discussion which was altogether foreign to the occasion.

Mr. *Hume* admitted, that he had often stood at the bar of the House of Lords and heard with astonishment the sentiments which were uttered in that House. That was the only observation made by his hon. Friend in which he at all concurred. His hon. Friend had talked of the insurmountable obstacles which the House of Lords presented to the success of measures brought forward by his Majesty's Ministers; and as he appeared to speak with some authority on the subject, there was no hope that the House of Peers ever would do justice to Ireland.

Sir *George Sinclair* had not said the Peers never would do justice to Ireland but that what Mr. O'Connell called justice to Ireland, never could be accomplished without an organic change in the constitution of the House of Lords.

Mr. *Hume* continued,—the declaration of his hon. Friend amounted to this—that the Lords never would do what he and the majority of the Commons of England deemed to be justice to Ireland. He for one, therefore, should feel sorry if his hon. Friend should turn out to be a true interpreter of the intentions of the House of Lords. But while his hon. Friend stated the differences between the two Houses of Parliament, why had he not also shown the way in which they might get out of them? Ministers, he said, could never overcome the large majority in the House of Peers; he begged to ask in return, how the House of Lords could overcome the large majority in the Commons? His hon. Friend seemed surprised that he and other Radicals, went on so smoothly and quietly with the present Government, and he insinuated, that if the same measures introduced by them had been proposed by another Ministry, they would have been factiously opposed. He had only to say, that no such measures had ever been proposed by those on the other side of the House, and therefore his hon. Friend had no means of forming such a judgment. When did his hon. Friend ever before witness such anxiety and attention manifested towards the extension of the rights of the people of this country? When had he ever heard such sentiments as those which the noble Lord had now so justly expressed, sentiments in which he (Mr. Hume) cordially concurred, and which he was sure would be responded to with admiration and enthusiasm by the great majority of the people both of this country and Ireland? The noble Lord had stated clearly and distinctly what had been the wish of Government in proposing this Bill, and the changes which had been made in it elsewhere, of the effect of which they could not be supposed to be ignorant. His hon. Friend must recollect that one of the greatest curses, and certainly the greatest obloquy attaching to this country, was the unequal, unjust oppression, and tyrannical conduct which had for centuries been pursued towards Ireland; and the bond which united himself and the Radicals in that House to his Majesty's present Ministers consisted in this—that they for the first time had laid down the principle that they were determined to do justice to that country. That was the sole bond which united, and which he hoped would continue to unite them. When Mr. O'Connell brought forward in that House the question of the repeal of the union, the Radical party had strenuously, and he might say unanimously, opposed to him; but what was the alternative proposition which the House had adopted? That they would proceed to do ample justice to Ireland. Only one English Member had voted on that occasion in favour of repeal, and that was under the impression that substantial justice never could be done to Ireland but by a domestic legislature. His hon. Friend had pronounced a high eulogium on the House of Lords, but he had no hesitation in saying, if there was any body of men in the country whose acts were more detrimental to the tranquillity and good government of the people than another, that body was the House of Lords; and if the hon. Baronet's interpretation of the feelings of the Protestants were correct—if they would rejoice at the conduct of the House of Lords, must not the Catholics weep, and deplore the fate which awaited them? Was that a desirable state of things which made one-tenth of a population assume the attitude of triumph and exultation, because the other nine-tenths had been adjusted unworthy of those rights and privileges which had already been accorded to the people of England and Scotland? It would be insanity to suppose that the people of Ireland would put up with less than had been given to the other parts of the united empire, and he hoped that House would use all the influence which it possessed, in order to carry into effect those measures of equal justice which the necessity of the case demanded. Let the contest come when it might, one thing was clear—the House of Commons had not sought it. His hon. Friend had alluded to the motion of which he had given notice last Session relative to the House of Lords, and taunted him in no very measured terms because he had not brought it specifically under discussion; but he begged leave to remind his hon. Friend that discretion was, after all, the best part of valour. His hon. Friend seemed to forget that promises had been held out by noble Lords at different public meetings in the early part of the Session that the House of Peers would be found ready to do that justice and adopt those liberal measures of good government which the country required; and if he had then brought forward the subject, he would have been told that he was anticipating their conduct, and that it became the House to wait till they saw what course the Lords really would adopt on this question. He did think the conduct of the Peers highly detrimental to the tranquillity and good government of the country—standing up, and intending, as his hon. Friend stated, to stand up, in order to put a stop to every thing which afforded a prospect of useful and salutary reform. Then came the question of "organic change," as it was called; and why should there not be an organic change, if necessary? What was the House of Lords—what was the House of Commons established for, if not to promote and carry on good government for the people? If it should be found that the House of Lords, as one of the three great branches for conducting the government of the country, opposed their own obstinacy to reason and justice, and strenuously persisted in refusing those measures which were deemed essential by the representatives of the people to the good government of the country, should every thing continue to stand still? Were 180 men, however individually respectable, to be permitted to defeat whatever was good and beneficial? Would the people always remain silent and allow them to dole out to them only what they chose to think safe and advantageous? When a machine was used for any particular purpose, of which one of the wheels happened to give way or would not move, it was necessary to replace it. His hon. Friend must not think there was anything sacred in the character of the House of Lords which would enable them with impunity to obstruct the progress of salutary reform; the people of this country would not permit the continuance of such an anomaly in the constitution. He was not prepared to say what measures would be necessary in the present crisis; but he well recollected the spot where he and his hon. Friend spoke on the first reform question in that House. The maiden speech of his hon. Friend was in favour of reform; and till lately he had always been extremely reasonable and desirous that every measure should be carried which appeared to be for the general benefit and advantage of the people. If the other House obstinately refused to pass measures essentially requisite for the peace of the country, what must follow? As complete an organic change as had been effected in the representation of the people must take place in the other House of Parliament; and after having changed and limited the power of the Crown, after having altered and improved the character and powers of the Commons, it was absolute nonsense to say that the people had no means of reforming the House of Lords. He regretted the question had come to this, but the Lords had themselves to thank for it, by breaking their own pledge, unanimously given, to do equal justice to Ireland, and thereby calling on the public to look well to their conduct. He protested against their whole conduct in this affair. They were the true destructives—for Conservatives they certainly could not be called, after the course they had pursued with regard to this Bill. He had been called a Destructive, but it was of pensions and sinecures, not of the rights of the people. He was also a Constructive, for he wished to raise in the room of the old, close, rotten corporations in Ireland, as in England and Scotland, a well-considered, liberal, and effective system of municipal government, without which he believed the people of Ireland would not and ought not to be satisfied, but of which he regretted to say they had for the present been deprived by the absurd, insane, if not suicidal, conduct of the House of Lords.

Sir *James Graham* had heard with great satisfaction the commencement of the speech of his noble Friend. His noble Friend had admitted most distinctly that the present crisis of affairs was somewhat dangerous; and feeling that to be the case, he certainly thought the advice of his noble Friend at once prudent and statesmanlike—that the House should proceed with calmness and deliberation, and not rush prematurely and precipitately into a discussion involving matters of the greatest delicacy, and important to the character, the constitutional rights, and privileges of both branches of the Legislature. That advice, he repeated, he considered prudent, statesmanlike, and worthy of his noble Friend; but he was bound at the same time to declare, if he had heard with satisfaction the commencement of the speech in which that advice was tendered, he had listened to the conclusion of his noble Friend's address with feelings of a very different character. If, therefore, the discussion had already proceeded further than was consistent with the recommendation contained in the beginning of his noble Friend's speech, he was bound to say the inducement which led to it had been furnished by his noble Friend himself. The noble Lord, he believed, admitted that, speaking as a co-ordinate branch of the Legislature, they were not informed of the nature of these amendments, and the motion of the noble Lord was, that they be printed previous to the adjournment, in order to their being afterwards taken into deliberate consideration; yet, having stated that, the noble Lord immediately proceeded to argue on the nature, the extent, and the bearing of those amendments, at the same time, certainly, holding out strong inducements to the House not to concur in them—if, indeed, they should happen to agree with him that the amendments in the Bill were inconsistent with the maintenance of the attachment and loyalty of the people of Ireland to this country. He believed the noble Lord had gone the length, if not of stating, yet leading irresistibly to the conclusion, that the amendments were of that description, that the people of Ireland could not, and ought not to accept the Bill. Now, if he could bring himself to believe that concession after concession should naturally produce contentment in Ireland, even almost at the risk of incurring danger, he might be led to proceed in that course. The noble Lord had mentioned various concessions; he had referred to the concessions of 1793, when they granted to those professing the Roman Catholic religion in Ireland the enjoyment of the elective franchise; he had alluded to the repeal of the Test and Corporation Acts in Ireland, which long preceded the repeal of those Acts in England, but, unfortunately, without leading to the same happy results. His noble Friend had mentioned the great concession of 1829, which placed Roman Catholics on a footing of perfect civil equality with Protestants, and the inference of the noble Lord was, that because these great concessions had been made, and as he (Sir James Graham) feared, made in vain, they must, therefore, continue to proceed in that direction. He could not see the policy of that advice. When great national concessions had been made, and those who made them were disappointed in the expectations they most reasonably entertained before consenting to them, instead of being hurried on to further concession in that downward path, never crying halt to consider the effects produced, and whether such concessions had been made altogether in vain, he, for one, would say, that the time had arrived when it was necessary to pause in so fruitless, if not dangerous, a course. [*Cheers from Mr. Evelyn Denison.*] He was not to be deterred by the cheers of the hon. Member for Nottingham (Mr. Evelyn Denison.) He challenged his convincing speech, and cared not for his unconvincing cheer. The point under consideration reminded him of the observation of a man of the greatest experience in the policy and movements of Government perhaps now living,—he alluded to a saying ascribed to no less a person than Prince Talleyrand, —that "those who begin a Government of concession, never fail to end in making some concession which they did not intend to make when they commenced that career, and which generally proved fatal to themselves." He believed that saying was true, and he hoped his noble Friend would not, in the result, experience it to the full extent. With respect to what had fallen from the hon. Member for Middlesex, he did not think, if unfortunately there should be a difficulty in reconciling the two Houses, they were called on, in the first instance, to solve it. It was the duty of the executive Government first of all to propose the mode in which that difficulty might be removed. And, if he rightly understood the noble Lord, he appeared, not distinctly, indeed, but faintly, to shadow forth some proposal by which even now matters might be arranged. He understood him to say, that the difficulty he felt in adopting the Bill as amended was, that it removed from Ireland altogether the means of municipal government, clearly pointing to some arrangement by which that objection might be obviated. Not having Parliamentary knowledge of those amendments, he was not now prepared to enter into any discussion on them; but if it were necessary to do so, he should point out fairly and frankly to the House, as he did when the measure was originally under discussion, that his great objections were to the constructive part of the Bill as introduced by his Majesty's Ministers. It was distinctly avowed, it had never been dissembled, that the Bill, as sent up to the other House, consisted of two parts —the one destructive of the whole Corporations of Ireland, the other constructive. On the destructive part of the Bill there had been no difference of opinion on either side of the House, the whole difference arose on the constructive part of the Bill, In the opinion of a large minority of this House, the constructive part of the measure was held to be most objectionable, and as he understood (for he had no Parliamentary knowledge of the fact), a large majority of the other House of Parliament had determined the same. The hon. Member for Middlesex had said, that he was surprised that a friend of reform, like the hon. Baronet, the Member for Caithness, should propose further concessions; and the hon. Member added, if concession of that in which a majority of that House concurred was required, a reform of the House of Lords would be necessary. Now, he had been always a steady, uniform, unflinching reformer; but he was ready to admit, that if further concessions were to be extorted by a threat of an organic reform of the House of Lords, then, friend as he was of reform, he must say, that he was not a friend to revolution; and that, born as he had been in a country governed under a limited monarchy, with Lords, either hereditary or nominated by the Crown, and not elected by the people, and with an Assembly representative of the people, he was of opinion any such organic changes as was suggested would not be reform but revolution, and such a reform he should oppose as strongly as his humble abilities could possibly enable him. The hon. Member for Middlesex talked of a majority of 180 in the other House in contemptuous terms; but the hon. Member seemed to forget that the House of Lords had powers, rights, and privileges co-ordinate, co-equal, and co-extensive with the House of Commons; and the question was not the majority in the House of Lords, but whether there should be an equality of legislative power between those two branches of the Legislature. It might be right—the time might have arrived when the people of this country no longer desired to live under the form of government framed at the Restoration, but into that question he would not now enter. He would, however, say, that public men in this and the other House of Parliament were now upon their trial before the British public. He believed that the people of this country were still attached to the form of government under which they now lived. His belief also was, he repeated, that public men, either Ministers or aspiring to be Ministers of the Crown, in this or the other House of Parliament, were on their trial before the country; and he further believed that any false, precipitate, or hasty legislation towards organic change would not be pardoned by the people, who were too much attached to the existing institutions, and too sensible of the liberties, the security, the happiness those institutions afforded them, to be willing to risk the loss for the chance of a mere contingency. If he was right on this proposition, the House must see that, in the present position of affairs, it ought to proceed with the utmost caution. The hon. Member for Middlesex had been pleased to say, that his immediate support of, or connexion with, the present Ministry, was from a fear that no Ministry so Radical could be found to replace them. The hon. Gentleman added also, that he supported his Majesty's present advisers on the ground of the measures they had brought forward with respect to Ireland. The hon. Member was frank, not only in Parliament, but frank also with the public; and there was a letter of his published last month, in which he stated, that "as a good Radical, he felt it necessary to use some forbearance towards the present advisers of the Crown, until certain measures for Ireland had been passed. Wait till they are carried," added the hon. Member, "and then we can assume quite a different tone." When he thus saw the narrow view with which the hon. Member supported the Government in these further concessions, as they were termed—when he had the admission that they were only to be the stepping-stones to other changes to which the hon. Member thought the present Ministers would not be prepared to give their sanction—he received these intimations as warnings to the Legislature to pause, and not to rush to measures which were confessedly only the means of effecting the still greater changes which the hon. Member, and those who thought with him, intended to force, at no distant period, on the attention of the advisers of the Crown. He must, however, return to the point on which he, as well as the noble Lord opposite, had started—namely, that this discussion was premature. [*Cheers.*] He understood the cheers of hon. Members, and in answer to them would say, that if he had failed to notice what had fallen from the noble Lord, he and hon. Members on his side of the House would have been liable to have had their silence misconstrued and misrepresented. Having risen without any intention of prolonging the debate, he had expressed his views on the subject before the House frankly and dispassionately. He had but one mode of addressing the House, which was always to express frankly his genuine feelings, and he had done that on this occasion. He could not blind himself to the critical emergency of present affairs, and he could not think that premature discussion could be conducive to the public interests. He could not but regret extremely that his noble Friend opposite should not only have courted, but actually forced on this discussion by the observations he had made at the conclusion of his speech. If, indeed, this system of concessions could be hoped to win the affections of the people of Ireland, or to render those persons who swayed the feelings of that people satisfied, even at the risk of departing from his own sense of the necessity for caution and prudence, he might be induced by arguments such as he had not yet heard, to change the opinion he entertained and had expressed. It was, he feared, but vain to hope for any such results as those he had just stated; and, therefore, unless he heard arguments much stronger than any that had been yet advanced, he was still prepared to adhere to the two votes he gave when the Bill was last before the House. A great deal had been said about "justice to Ireland," and the expression had been explained by the person who first used it, and who distinctly stated, that without an organic change in the House of Lords it would be impossible to have justice done to Ireland. To that organic change he (Sir J. Graham) was as much opposed as to revolution itself. Such being his present views, and conceiving also that no compromise—which he for one disclaimed—was possible, he was not at present prepared to depart from the votes he had given on former occasions.

Viscount *Clements*: I feel it impossible to hear the interests of the Irish people alluded to as they have been without protesting in the strongest manner against it. The blood boils in my Irish veins when I hear the disposition to do the people of Ireland justice called concession. Concession! Are the Municipal Corporations of England to be reformed for the good of the people of England, and is the reform of the Municipal Corporations of Ireland, for the good of the people of Ireland, to be called a concession? I repeat, that it is impossible for me to listen to such language without protesting in the strongest manner against the doctrine which it involves. Sir, I much fear that the Protestants of Ireland have much more to fear from their zealous but injudicious friends, than they have from their worst enemies. For myself, I hope and believe that I am conscientiously attached to the religion which I profess; but I deeply regret that the interests of that religion have been taken up in the manner in which they have been taken up, and that the Tories seem desirous of maintaining the distinction between Catholics and Protestants in Ireland, instead of trying to forget all religious differences, and to merge them in one general feeling for the common good. Sir, I am convinced that if this destructive measure sent to us by the House of Lords be adopted by the House of Commons, many a Protestant in Ireland will lose his rights. And why is this done? To me it is evident, that merely for the sake of destroying the rights of the Catholics in Ireland the House of Lords has consented to destroy the rights of the Protestants in that country. We have been told of British dominion over Ireland! To such language I can never listen without resentment. Concession and dominion! Was it concession to Ireland when the penal laws against the Catholics in that country were abrogated? Was not that abrogation calculated to be at least as beneficial to the Protestants of Ireland as to the Catholics? I will always stand up for the country from which I come; and I will never hear the terms concession or dominion applied with reference to that country without the frank expression of my feelings. The House of Lords, by the course which they have adopted on this occasion, have prevented much good from being done. I do from the bottom of my heart believe, that the majority of the House of Lords have taken the course which they have taken on the present question, because they dared to do with reference to the people of Ireland what they did not dare to do with reference to the people of England. Sir, I may have been led into too great warmth in the expression of my opinions, but I have for apology my conviction, that if the majority of the House of Lords be permitted to have their own way in this matter, it is all over with popular rights in Ireland; and I am quite sure that such is the opinion at the present moment of the great majority of the people of England.

Mr. *Evelyn Denison*: The right hon. Baronet who spoke on the other side of the House indulged in an admonition addressed to me as well as to other hon. Members, on the danger of the path on which he apprehended we were about to enter. Sir, a juster admonition might be addressed to those who, having commenced great political changes, having laid down great political principles, do not follow up those changes, or pursue those principles to their proper termination. The right hon. Baronet launched into a very just and a very legitimate deprecation of rashness and imprudence. But if he, who was a party to Catholic Emancipation, who was a party to the Reform of Parliament, who was a party to the resolution of the House declaring that the people of England and the people of Ireland were entitled to equal rights, will suddenly stop short in that laudable career, and will substitute for action advice and warning to those misguided politicians, as he conceives them to be, who are disposed to continue the course recommended by his early example, and an entreaty to pause before they venture further on their path, it is, I should suppose, impossible for the House or for the country to contemplate such a change without feelings of great dissatisfaction. Sir, when the proper time arrives, I shall be prepared to deliver my sentiments on the alterations which have been made by the other House of Parliament in the Irish Municipal Corporations Bill; but I now mean to do, what no hon. Member who has preceded me has done, although every one has claimed the attention of the House on the ground of his intention to do it—namely, to confine my observations to the question immediately before us. Sir, I am perfectly satisfied with the statement which has been made by the noble Lord, the Secretary of State for the Home Department. That noble Lord confined his observations to the point which is really under our consideration; he said nothing about organic changes in the House of Lords, or about the Irish Church, neither of those subjects being under discussion. All that the noble Lord said was, that as the Bill for the Reform of Municipal Corporations in Ireland had come down from the other House of Parliament with amendments, he should move that those amendments be printed, with a view to their being taken into consideration on a future day. This was the only course for the noble Lord, in the peculiar situation in which he was placed, to adopt; and if he had not taken it he would not have done his duty. I will not enter at all upon the question; I will say nothing of the clauses in the Bill which have been struck out, or of those which have been substituted; but I cannot hesitate to express my concurrence in the opinion that a party measure, annihilating all municipal government in Ireland, is a proceeding to which it is impossible that this House can agree. With that declaration I sit down. I join issue with the hon. Baronet. With the conviction that the eyes of the country are upon us, it becomes us, I admit, to proceed with caution and deliberation; but I totally dissent from his conclusion as to the course we ought to follow. I hope that the example of decorum and forbearance which has been set by the noble Lord will be followed, and that this debate may not be at present continued.

Mr. *Shaw* was persuaded his right hon. Friend (Sir J. Graham) would be very willing to abide a just determination of the question that had been raised by the hon. Gentleman who had just sat down, whether the right hon. Baronet was more strictly pursuing the principles on which he had acted in the Government of Lord Grey, or other members of the same Cabinet, driven, as they now appeared, beyond every limit they had prescribed to themselves; forced on by a party with whom they had no community of principle or real bond of union, but with which they were merely connected by a temporary combination formed to drive a rival Government from office, and which had resulted in conferring place upon the present Ministry, while it had vested all real power in the irresponsible hands of the most extreme and violent portion of their nominal supporters. His noble Friend (Lord Clements) seemed to have built up castles for the mere pleasure of demolishing them, for neither the right hon. Baronet nor any one on that side of the House had used the expression "British dominion" as applied to Ireland, and the term "concessions" had been familiarly used by all parties in respect to Roman Catholic disabilities, without—for anything he had ever heard before that night—giving offence to the most fastidious. He must certainly concur with his right hon. Friend (Sir J. Graham) in saying, that it was the unexpected speech of the noble Lord, the Secretary for the Home Department, which had provoked the present premature, and, perhaps, not very regular discussion. He (Mr. Shaw) was at a loss to conceive what new light had broken in upon the noble Lord, or whether he had received any new instructions since the very question involved in the amendments made by the House of Lords had been discussed in that House and dealt with by the noble Lord in so very different a tone and temper from what he had evinced that evening. It was a fallacy unworthy of a noble Lord to contend that the Bill, as originally sent from that House, would not completely and entirely have extinguished the existing corporations of Ireland. That such was the fact was admitted by the Prime Minister in another place, and the real and only question was stated by him to be, as in truth it was, what should be the substitute? Could the noble Lord be serious when he said the people of Ireland should consider that they were stigmatized, and (as the language of the noble Lord would almost imply) be justified in seeking a Repeal of the Union, if they did not receive a precisely similar measure of legislation with England, when the Government, of which the noble Lord was the leader in that House, had, in respect of the administration of justice, of the constabulary, of the police, and of the Parliamentary franchise itself, dealt with them in a manner altogether different from that pursued with regard to England? Nothing could be more absurd than to suppose it possible to legislate upon mere general and abstract principles, without reference to the peculiar circumstances of the country to which you attempted to apply them. He maintained, that the Bill, as it had passed that House, was not, as stated by hon. Gentlemen opposite, calculated to introduce good and peaceable Government into the cities and towns of Ireland; but, on the contrary, to lead to excessive political excitement, and the utmost party and religious animosity. He wished for peace and repose to all parties. As to justice, real and impartial justice to Ireland, nobody desired it more sincerely than he did; but, then, let the term "justice" be defined and understood. They must recollect that there was no injustice or tyranny that had not at one time or other been perpetrated under the sacred name of justice. The noble Lord should bear in mind that those who urged him on, and whose sentiments in respect of the House of Lords the noble Lord seemed that night so nearly to adopt, were equally clamourous for an organic change in that branch of the Legislature—for the adoption of short Parliaments, universal suffrage, and Vote by Ballot, as for the present Bill as it had left that House, giving new Municipal Corporations and what they termed justice to Ireland. The simple question on that measure had been over and over again stated in that House and elsewhere, and it was this—will you do away self-election in the Irish Corporations in order to substitute individual nomination? Will you altogether put an end to exclusiveness, or only transfer it from one of the great parties in that country to the other? He was willing at any time to discuss that question dispassionately and coolly; he felt, however, that any discussion of that nature had on the present occasion been prematurely provoked by the observations of the noble Lord; and he could not but think that the noble Lord's speech was meant to serve some other purpose than that which appeared on the surface of it, which was the mere formal one of moving that the Lords' amendments should be printed with a view to their future consideration. The noble Lord was much mistaken if he supposed that, separated from party or political motives, there rose any real feeling in this country or in Ireland in favour of new Irish Corporations instead of the removal of a fruitful source of discord in their extinction.

The *Chancellor of the Exchequer:* Sir, I rise to answer, not merely the statements and arguments, but the insinuations which, not very fairly, have been thrown out by the right hon. and learned Gentleman who has just sat down. A more unmanly, a more disingenuous, a more unjustifiable attack I never heard made upon a public man than that which the right hon. and learned Gentleman has, by implication at least, made upon my noble Friend. Nothing can be more unjustifiable than the mode which the right hon. and learned Gentleman has adopted of ascribing motives, and then suggesting that they are the motives of my noble Friend and of his Majesty's Government. But such is the course which the right hon. and learned Gentleman and his Friends have long uniformly pursued. In order to avoid discussing the real merits of the question, the right hon. and learned Gentleman endeavoured to connect the expressions in a letter written by an hon. and learned Gentleman—who, if he were present, would, no doubt, have been able to answer for himself—with the opinions which he supposes are entertained by my noble Friend. Sir, this is only a part of that miserable, that unmanly system which our opponents have for some time been in the habit of pursuing, and the adoption of which only shows the weakness of those who condescend to have recourse to it. The question is, whether we shall do right or do wrong, in adopting or rejecting the amendments which have been made by the House of Lords in the Irish Municipal Corporations' Bill? That question ought to be treated argumentatively, and not by the suggestion of motives to any party. What right had the right hon. and learned Gentleman to hold my noble Friend responsible for the opinions expressed by another, that an organic change in the House of Lords was indispensable to obtain justice for Ireland, and a step to obtain universal suffrage, and to obtain vote by ballot. Does not the right hon. and learned Gentleman well know that such opinions are not participated in by my noble Friend? [Mr. *Shaw:* I never said that they were.] No; the right hon. and learned Gentleman never said that they were; but he implied it. Did he not say that such were the opinions professed by Gentlemen who were acting on our behalf? And what was the implication, but that his Majesty's Government participated in those opinions? And is it not for the purpose of meeting that statement, and to repel the right hon. and learned Gentleman's insinuations, that I now rise? Let us get rid of these miserable attempts to create a delusion—not indeed within these walls, for of that I have no apprehension—but possibly on some few weak and timid minds out-of-doors. I will now deal with the question more immediately before the House. The question for the House to consider—and it is a question of great importance—is, what is to be done with the new Bill—for a new Bill it essentially is—that has been sent to us by the other House of Parliament? In speaking upon this question, if my noble Friend had not stated what his feelings were with respect to it, he would have been deficient in candour, in common sense, and in consistency. But what has this to do with the letter which has appeared this morning? It is true that in that letter the extinction of Municipal Corporations in Ireland is reprobated. But is that a new doctrine? Is it not a doctrine, which a large majority of this House has sanctioned by its vote on the motion of the noble Lord, the Member for South Lancashire? At the time that the proposition to extinguish these Corporations was brought before us, did we not distinctly declare that we would not consent to their extinction? That refusal we are, I hope, prepared to repeat. Is that an unexpected declaration? In or out of this House, in any place whatever, such a result must have been supposed. Even the noble Lord himself, who framed the amendments could not have imagined that we should concur in them. For what is it that is proposed to us? To give the Bill precisely that very form which we have already negatived. Did the right hon. Gentleman think that we were going to ask the majority of the House of Commons, which had already passed their judgment on this very question, just to unsay all that they had said? But it has been said, that this is a premature discussion. To a certain extent that is the case; but it must be recollected that with reference to this Bill, as returned to us by the House of Lords, we are not in the condition in which we are placed with reference to Bills generally. In Bills, generally, there may be a discussion on the first reading, a discussion on the second reading, a discussion in the Committee, a discussion on the Report, a discussion on the third reading. But this Bill, which is essentially a new measure, we are called upon to swallow whole, without that previous caution and repeated consideration usually considered essential to legislative measures. It is a question for our future careful consideration whether we can get a good measure out of the Bill now sent to us; but I shall not discuss it now. The right hon. Baronet (Sir James Graham) is, it seems, an enemy to all concession. Concession, he says, is dangerous; and he has—I dare say, most astutely and wisely, all things considered—hazarded a judgment, that any compromise on this question is quite hopeless. He thinks the establishment of Municipal Corporations, in certain parts of Ireland, is a proposition not to be entertained for a moment. Upon that, as upon all other occasions, I shall reserve my opinion; but, meanwhile, I perfectly concur in what my noble Friend has said, and conceive that we are doing no more than what we are absolutely called upon to do in the first instance, in declaring that we are not prepared to assent to a measure which pronounces the whole people of Ireland to be unfit and unworthy to exercise those rights and privileges which have been conceded to their brethren of England and Scotland. This is the principle which is averred in the Bill that has been laid upon the Table of the House. To that principle I declare my most direct opposition. The right hon. Member for Cumberland has pointed out to the House that the Catholic question was carried without producing tranquillity to Ireland —that the Parliamentary franchise was given to the Catholics of Ireland without producing tranquillity there—and that, finally, the last act of Catholic Emancipation brought no peace to that country. But what is the reason why these measures have not had the full effect of giving peace to that country, and repose to her people? It is not because much has been given, but because more has been withheld—it is not that the Catholics of Ireland are unconscious of the advantages which they have derived from these concessions, or ungrateful to those who promoted them, but they know, at the same time, that all of them have been granted with reluctance,—and would never have been granted at all, if those who did grant them had dared longer to refuse them. They know very well that even when the last great measure had been forced frcm the Ministers, it was rejected by the House of Lords, though within a twelvemonth after the House of Lords thought itself under the necessity of giving to the measure, when again before it, a reluctant consent. It was not concession that produced the evil; it was injustice; it was delay. The Irish nation, I repeat, have not been unconscious of benefits received, but they have been greatly disappointed that those benefits have not been followed up by others to which they were equally entitled. This is the evil which has hitherto prevailed, and which it is our desire, for the future, to avert; and I cannot, therefore, agree with the right hon. Gentleman, that because those concessions he has spoken of did not produce all the good that was expected, he and the House are called upon to pause ere they assent to any other concession, however calculated it may be to complete those benefits, and produce that tranquillity which the other measures of which he has spoken failed to bring about. Sir, if the course of legislation is to be stopped because some measure which has passed has happened not to produce the good results anticipated from it, the progress of legislation will be arrested altogether. The right hon. Gentleman is very earnest about what he calls making a stand; I have never heard this phrase made use of, except for the purpose of delaying some good results. What I say is, let us proceed on in the course of just, and even, and impartial legislation. I repeat, therefore, Sir, that I consider my noble Friend to have done no more than his duty. Sir, a great outcry has been made about "organic changes;" but his Majesty's Ministers have not spoken a word about organic changes; we have not attacked the exercise by the House of Lords of their privileges, in dealing with this measure as to them seemed meet. All we have to do is, to deal with the Bill as it comes to us without inquiring by whom it has been rendered such as it is; we have to deal with it just as if it were an entirely new Bill, now first introduced to the House, and there is no parliamentary restraint to prevent us from dealing with it as its present merits deserve, or from giving it every term of reproach which we may conceive it justly open to. We have fairly stated our opinion in reference to this Bill in its present state. We think it is inconsistent with the resolution of this House upon the subject. But with respect to the question whether it can be rendered more acceptable to this House, and can, at the same time, be put in a shape so as to pass the other House of Parliament, I may freely say, that if the measure can be put into such a shape as will ensure its success here and elsewhere, the right hon. Gentleman will find that so far from seeking a collision with another branch of the Legislature, I should say with respect to this Bill as I did with respect to the English Corporation Bill, that it is most desirable to avoid any collision or difference; but we hold that the best way to prevent any such collision or difference is, that whilst respecting the free opinions of the other House of Parliament, we maintain with the utmost freedom of discussion the rights, privileges, powers, and authority of the House of Commons.

Mr. *Dillon Brown* did not rise to discuss the general merits of the Bill or of the subject upon the present occasion, nor did he rise to discuss the general merits of the House of Lords. What he rose to express was, his conviction, that if equal justice were longer denied to Ireland, which would be the practical result of this Bill being received in its present form, the whole Irish nation would demand the repeal of the Union; and he for one, if justice were refused to Ireland, would return whence he came, and agitate that question. He had stated to his constituents that he would take the first opportunity that offered of voting for a reform of the House of Lords, and he could not but think that the disposition which had been evinced by that House in its treatment of this measure, showed to the country that there ought to be some alterations in the constitution of the House in question. Impressed with this conviction, he would therefore at once declare, that if no other Member of the House of Commons came forward with a motion to that purpose, he himself would stand up, and propose a measure which should produce some organic change in the House of Lords.

Sir *Henry Hardinge* rejoiced that the hon. Member who had just addressed the House for the first time had signalized himself by manfully stating to the House that he would propose an organic change in the constitution of the country. He, however, was convinced that such a course, instead of preserving the institutions of the country, would in a very short time, lead to the establishment of a democracy. He acknowledged the manliness of the hon. Member, who had openly avowed what his intentions were. It was not his wish to say much on the present subject, in the then thin state of the House, particularly after what had fallen from the noble Lord opposite, and the Chancellor of the Exchequer, in the latter part of whose speech he entirely concurred. It was the duty of that House, when a measure was brought down from the other branch of the Legislature, to consider its enactments, not with reference to the particular parties by whom they had been proposed, but with reference to their own merits. As the present, however, was not the proper time for discussing the nature of the amendments which had been added to the Bill, he should not say another word on the subject. But he begged leave to tell the Chancellor of the Exchequer, that he must not be surprised if hon. Members, after reading the letter which had been published that day by the late hon. Member for Dublin, connected the acts of the Government with the sentiments of that learned and influential person; because it frequently happened, that he, both in his speeches and his letters, stated that a compact and alliance had been entered into on the part of the Ministry of a most intimate nature—that the Whigs of the present year were not the Whigs of last year—that the Whigs, whom he had called base and bloody, were no longer the same Whigs. It was undoubtedly true, that that learned individual now eulogized the Whigs, though no later ago than the latter end of the year 1834 he stigmatized them as the worst enemies of Ireland, and as the promoters of worse measures with regard to that country than had ever been brought forward by the Peels and the Goulburns. That learned individual not only made a general charge against the Whig party, but he specifically alluded to individuals, and he declared that the noble Lord, the present Secretary for the Home Department, and Lord Grey, were, in consequence of the scantiness of the reform they gave to Ireland, the most malignant enemies of that country. He would not enter into a detail of all that had been said by that learned individual respecting his power over the Government; but he could not help thinking that it was only natural for hon. Members to give that learned individual credit for possessing some of that influence, which it was notorious he professed to have. Still he (Sir Henry Hardinge) was glad to acknowledge that the right hon. Gentleman, the Chancellor of the Exchequer, had disclaimed entertaining any desire to make an organic change in the constitution of the House of Lords; and whenever the hon. Member for the county of Mayo brought forward his proposition on that subject, he would, if he ventured to divide the House on it, find himself followed by the smallest imaginable tail. The hon. Member for Middlesex had spoken of the tyrannical and oppressive conduct of the House of Lords. In what way was such conduct shown? Had not the House displayed its readiness to abolish the exclusive system of Corporations in Ireland and to do justice to that country. And was the House of Lords to be censured because, when it got rid of one exclusive system, it refused to erect another, equally exclusive, in its place? It was very easy for the hon. Member to attack the motives of those who refused their assent to measures of which he approved, and to say that equal jutice was not done to Ireland. He was of opinion, looking at the state of that country, and the great influence of the Catholic priesthood, that it was impossible to place Ireland at the present moment on the same footing as England, and no longer ago than last night the House passed a government measure of a peculiar nature—the Irish Constabulary Bill—showing that the condition of society in Ireland was entirely different from the state of the population of England. When this was the case, it was rather too hard for hon. Members on the ministerial benches to blame Gentlemen opposed to them, for refusing to extend on every occasion, and without distinction, the same legislative measure to Ireland and England.

Mr. *David Roche* did not rise to prolong the discussion, but to protest against the assertion of the hon. and learned Member for Dublin University, that the Protestants of Ireland would accept with pleasure the amended Bill. Such might be the feeling of Orangemen, but he denied that the Irish Protestants generally would derive any gratification from the destruction of the Corporations. In the town which he had the honour to represent, the Roman Catholics constituted the majority of the population, but he could conceive no reason why they should not be allowed to manage their own local affairs. The right hon. Member for Cumberland had spoken of Ireland as he might have done of Jamaica or any dependency of the Crown of England; he denied that Ireland was a dependency; it was part of the United Kingdom, and he claimed for it perfect equality with England. If Irishmen were driven to look for justice to a Repeal of the Union, he would not shrink from advocating the repeal. But he believed that, though a majority of the House of Lords was opposed to the interests of Ireland, the majority of the people of England and of Scotland were anxious to see justice done to that country.

Mr. *Wyse* said, that the Bill as originally introduced had reference to rights which belonged to Irishmen as free subjects, and if by any act of theirs they implied they were not entitled to them, they at once admitted that they were unworthy of the name, not only of Irishmen, but of free men. He lost his seat in Parliament by his opposition to the Repeal of the Union; and he could tell hon. Members opposite that that question had been advanced not by the eloquence of the hon. Gentleman, the late Member for Dublin, not by the concessions to the Catholics in 1829, nor by the Reform Bill, but by their own conduct—by the withholding of concessions so long, that when at last they were granted, it was known that they were granted through fear. When the question before the House came to be fully discussed, he was sure that the people of Ireland would express their sentiments in the strongest possible manner through their representatives.. The proper way to put the question was simply this:—whether the people of Ireland were to be united with the people of England in all senses, or whether the Union was to be interpreted after the fashion of hon. Members opposite? Ireland would not rest calmly with anything less than a perfect equality with England; and if Irishmen were to be told that they were not to hope for that equality, then they would have to consider how they could obtain it by their own exertions.

Mr. *Sharman Crawford* lived in one of the most Protestant parts of Ireland, and was sure that the Protestants were not adverse to the enjoyment, on the part of the people of Ireland, of political rights. He expressed his satisfaction at the general tone of the noble Lord's (Russell's) speech, but there was one part of it which had filled him with dismay. He was sorry to have heard the noble Lord hint at the possibility of a compromise, by a limitation of the franchise, or by a reduction of the number of corporate towns in Ireland. For his part, he rejoiced that the Bill had been sent back in its present shape, which put all compromise out of the question. The Legislature would in vain endeavour to give satisfaction to Ireland by compromising the rights of that country, for Ireland would be content with nothing less than perfect equality with England. The letter of a learned gentleman had been alluded to, and in his absence he, though often dissenting from the views of that Gentleman, felt called on to say, that with the sentiments expressed in that letter he cordially concurred. He was not anxious for a Repeal of the Union, but if justice could not be otherwise obtained for Ireland, he would most cordially join in the demand for a separate legislature.

Dr. *Bowring* felt some surprise that the declaration of the hon. Member for Mayo had been received with such coldness and indifference by the House. That declaration, be it remembered, was the latest testimony to the state of the public mind in Ireland; and that public mind would soon find abundant echoes in this country, unless Ireland were really and truly raised to the equality she had a right to occupy. When the question of a Repeal of the Union was last debated, none but Irish Members were willing to advocate it; but if the present system were persisted in, if a perpetual injustice towards Ireland were perpetrated, the question of the Repeal of the Union would not be left alone to Irish representatives, for many of the representatives of England and Scotland would unite in demanding the repeal, unless equal justice were obtained for Ireland. He did not understand what was meant by the word *collision*. He knew the duty of an honest representative. It was to proceed in a straight-forward path—it was to remove abuses—it was to redress wrongs—it was to obtain good and cheap government for the people. If this were prevented by those who were blind and deaf to the state and to the power of public opinion, on them and them alone must the responsibility rest. And as the subject of organic changes had been referred to, he wished the House to know that the organic change which he and those who thought with him insisted on—aye and would obtain in spite of all resistance—was the organic change from bad to good government. If in the struggle for this great end impediments threw themselves in the way, those impediments would be removed, and the consequences, be they what they might, would be solely attributed to those who placed them there.

Lords Amendments were ordered to be printed.

County Rates.] Mr. Hume moved, pursuant to notice, for leave to bring in a Bill to authorise the rate-payers in counties to choose representatives to form a county revenue board for the assessment, levying, and administration of the county rates.

Lord *Granville Somerset* said, that he did not see why the county funds should be transferred from the control of the magistrates, when no charge of malversation, or other alleged cause, was assigned for making the transfer. It was casting an imputation upon the county magistracy of the country which they did not deserve. He should wish to hear the views of his Majesty's Government upon this subject.

Lord *John Russell* said, that the proper time to discuss the merits of the Bill would be after it should be printed; but he could not refrain from saying, that he did not think the Bill was at all calculated to cast any stigma on the magistracy of the country. He did not see why a more economical mode of administering the county rates might not be adopted without casting any imputation upon the county magistrates. He would be happy to see the subject receive full investigation which it would naturally do in the ordinary course of business, when the Bill would be introduced, printed, and circulated. Hon. Members would then have a much better opportunity of legislating with effect on the assessment and administration of county rates than they could now do, on the mere statement of the hon. Member for Middlesex. He felt, that it would be a harsh and unjust interpretation to take it for granted, as the noble Lord (G. Somerset) apprehended it might be, that the introduction of such a Bill was a fact in itself calculated to cast a stigma on the magistracy of England. The inference was not at all warranted by the circumstance. He was not prepared to say, that he would support the Bill of the hon. Gentleman; but he would state, that he believed there was a great wish in many parts through the country to have a more intimate control over the outlay of the funds of the corporations than at present existed.

The House was counted out.

HOUSE OF LORDS,

Friday, May 20, 1836.

Minutes.] Bills. Received the Royal Assent:—Constabulary (Ireland); Bankrupts (Ireland); Division of Counties Act Amendments.

Petitions presented. By the Bishop of Winchester and the Earl of Harrowby, from various Places, for the Better Observance of the Sabbath.

Adjourned for the Whitsun Holidays.

HOUSE OF COMMONS,

Wednesday, May 20, 1836.

Minutes.] Bills. Read a third time:—West-India Judicature; Lunar Months.—Read a second time:—Descents and Heriots; Bankrupts Fund.—Read a first time:—Cinque Ports.

DUBLIN ELECTION.—RIGHT OF PETITION.] Mr. *O'Connell* (who after having been ejected from Dublin by an Election Committee, had been returned for Kilkenny, and had this evening taken his seat,) presented a petition from certain electors of the city of Dublin, against the sitting Members for that city. He conceived the petition to come within the statute; but if any doubt arose upon the subject, he should be content that it should be printed, and that the opinion of the House should be taken upon it on the first day of sitting after the recess. He had looked carefully into all the authorities upon the point, and entertained no doubt whatever that the petition—the persons by whom it was subscribed not having been parties in any way to the former petition—came within the statute, and, consequently, that it ought to be received.

Sir *James Graham* thought that the House ought not to be called upon to discuss a question of so much importance without previous notice. The case, however, arising out of the present petition did not appear to him to be a new one. In the year 1834, the House determined upon a case in every respect strictly analogous with the present. In that case, on the very day on which the petition was presented, the House came to the decision that it could not be received—he alluded to the Monaghan case. In that case the original election petition was presented on the 5th of June. On the 2d of July the Committee was struck, and on the 30th of July the Committee reported that Colonel Westenra was not duly elected, and that Edward Lucas, Esq., was duly elected, and ought to have been returned. This was strictly analogous with the Report of the Dublin Election Committee. The House was aware that there was an annual classification of petitions of this nature; and, in that classification, a distinction was always drawn between those petitions which related only to the return of the candidate petitioned against, and those in which the affirmation was not only that the return of the sitting Member was undue, but that another candidate had been elected, and ought to have been returned. Under the Grenville Act there had been five or six cases in which time had been asked, consequent upon the Report of the Committee; but in all those cases, without any exception, the Report of the Committee had simply been that the return was undue. In no one case, where time had been granted, had the Committee reported, not only that the return was undue, but that the party petitioning was duly elected, and ought to have been returned. The only case which he found upon the Journals of the House of a petition ever being presented after the report of an Election Committee constituted under the Grenville Act, in which it was declared, not only that the one party was not duly elected, but that the other party was duly elected and ought to have been returned, was the case of Monaghan, to which he had already referred.

Mr. *O'Connell:* Will the right hon. Baronet allow me to interrupt him for one moment? A little explanation may, perhaps, prevent further discussion at this time. I could not present this petition sooner than to-day. It was not prepared till within the last few days, and till to-day I have not been competent to present it. It was only on Monday last that the Report of the Committee was made. I do not apply for time; I do not want it. I would have given notice of my intention to present the petition if the House had sat to-morrow, or even on Monday. But as this is the last day on which the House sits for nearly a fortnight, and as the day on which it next sits will be the last on which such a petition as the present could be received, I thought it better to lay it upon the Table this evening, in order that it might be printed prior to its being discussed when we re-assemble after the recess. I do not wish it to be prematurely discussed now. Having intimated to the House that such a petition is in existence, I should even be content to withdraw it for the present. But whenever it is discussed, I shall be perfectly prepared to show that it comes within the statute, that none of the cases alluded to by the right hon. Baronet apply to it, and that gross injustice will be done if it be not received and its prayer attended to.

Sir *James Graham* did not wish to argue the question now, if the hon. and learned Member intended to withdraw the petition; but if it were proposed to suffer it to lie upon the Table, it would be his duty to call the attention of the House to those circumstances which induced him to think that it ought not to be received. When the hon. and learned Member interrupted him, he was endeavouring to state to the House the grounds of the decision which was made in the case of the Monaghan petition. The present petition could be regarded in no other light than as virtually asking for the appointment of another Committee under the Grenville Act, to re-try the merits of the last Dublin election. But under the Grenville Act, when an election committee, duly appointed, had come to a decision as to the return of the Member, no provision whatever was made for any appeal. He had stated, that since the passing of that Act, five or six instances had occurred of petitions being presented, after the reports of election committees had been made, asking for the fourteen days within which, by the rule of the House, petitions complaining of the return of any sitting Member must be laid upon the Table. But in each of those five or six cases, the report of the Committee had not affirmed the right of the party petitioning to be returned, but had only adjudicated upon the simple point of the propriety or impropriety of the return. The case of Monaghan was the only one in which a petition had been presented after an election committee had declared, that one Member was not duly elected, and that another was duly elected, and ought to have been returned. And how was that petition received? On referring to the Journals of the House, he found on the 13th of August, 1834, an entry to this effect:—"The petition of certain electors of the county of Monaghan, complaining of the election and return of Edward Lucas, Esq., being presented, the entry on the Journals of the 30th of July last, of the Report of the Monaghan Election Committee was read, to this effect: that the Hon. Henry R. Westenra was not duly elected a knight to serve in Parliament for the county of Monaghan; that Edward Lucas, Esq., was duly elected a knight, and ought to have been returned for the said county." A debate ensued, which ended by the House directing the petition to be withdrawn. This was the last decision which the House had come to upon a matter of this kind, and, believing the decision to be most correct, he thought that a similar course ought to be adopted on the present occasion. Seeing that the cases of Monaghan and Dublin were strictly analogous to each other, he thought that the precedent laid down in the one ought to be rigidly adhered to in the other. With that view he should now move, that the Report of the Dublin Election Committee, entered upon the Journals of the House on Monday last, be now read.

The *Chancellor of the Exchequer* rose to call the attention of the House to the position in which the question now stood. If there were any difficulty upon the subject he thought it arose out of the circumstance of the petition being presented on the last day of the House sitting prior to the recess. If, instead of adjourning for ten days, the House were only about to adjourn till Monday next, there would, he apprehended, be no doubt as to the course that ought to be pursued, namely, to print the petition and take the discussion upon it on Monday. He agreed with his right hon. Friend (Sir James Graham) that there was no subject on which it behoved the House to act with more jealous caution than on questions of this description. As some difficulty seemed to have arisen on the present occasion, what he (the Chancellor of the Exchequer) wished to do was, to suggest that which appeared to him to be the fair and just mode of dealing with the subject, namely, to allow the petition to lie upon the table, and to adjourn the discussion upon it until the first day of the House sitting after the recess. Meanwhile hon. Gentlemen would have an opportunity of consulting all the precedents upon the subject. Unprepared as he was at that moment, he, for one, should be very sorry to be called upon to pronounce any decision as to the ultimate course that the House ought to adopt. Of the contents of the petition he knew nothing. He was not aware of the existence of such a petition, and consequently was wholly unprepared for its presentation on that occasion. Therefore, if there were now any question before the House, he should move as an amendment that the debate be adjourned till the first day after the recess.

Sir *George Clerk* understood, that this was a petition in the nature of an election petition. It was a petition complaining of an undue return, declaring that persons pronounced, by a Committee constituted according to the provisions of the Grenville Act, to have been duly returned, were not duly returned. If it were an election petition, he apprehended that no question could arise as to whether it should be presented or whether it should be allowed to lie on the table. He did not know what they could gain by postponing the discussion. They could not be called upon to judge from the allegations of the petition, whether it were deserving of attention or not, because the question had already been tried before a competent tribunal, by which a decision that ought to be final had been pronounced. There was no difference between the present case and that of the case of Monaghan. It was proper, therefore, that the same course should be pursued.

Mr. *O'Connell* said, there was no argument whatever in the assertion that this petition could not be received because it was an election petition. Undoubtedly the question was, whether it could be received, and that question he was quite content should be deliberately discussed and decided. He did not rise to oppose the motion that the petition be now laid on the table and printed, and the debate adjourned till the first day after the recess. His object in rising was to reply to some of the observations that had fallen from the right hon. Baronet (Sir James Graham) opposite. He was prepared to meet the right hon. Baronet foot to foot. Here was a case where it was impossible to present a petition sooner. Here, too, was a case which, in other respects, differed essentially from those to which the right hon. Baronet had referred. In this instance the candidates—the Gentlemen who now sat for the city of Dublin—were not parties to the original election petition; and the words of the statute were special, that the decision of a Committee appointed under the Grenville Act should not be final unless it were a decision between the parties. He prayed the House to see what a monstrous thing it was to resist the course he proposed to take. The Report of the Dublin Election Committee, presented on Monday last, contained the following resotion:—"The Committee feel it to be their duty especially to report to the House that eight persons, viz., Matthew Nadden, George Osborn, Patrick Finucane, Oliver Richards, John Forsyth, Charles Dempsey, James Baldwin, and Andrew Hutchinson, were struck off the poll as having voted under a corrupt expectation, and having subsequently received money; but the Committee are unanimously of opinion that there is no evidence that Messrs. West and Hamilton, for whom they voted, were either directly or indirectly implicated in such corrupt practices." [*Hear.*] He admired that cheer; but would the hon. Gentlemen who were so vociferous listen to the reason why there was no evidence to implicate Messrs. West and Hamilton? Because the Committee, when it opened a commission to go to Dublin for the purpose of taking evidence, gave directions to that commission, limiting them to particular points on which only they were to take evidence. He held in his hand a copy of the limitations imposed upon the commission. It was a question whether any recriminatory evidence was to be admitted against the unsuccessful candidates. Upon that point the direction given to the commission was, that no recriminatory evidence should be admitted against the unsuccessful candidates except so far as regarded the disqualification of votes, the unsuccessful candidates not being parties before the Committee. That being the case, the unsuccessful candidates not being parties, not being before the Committee at all, the Committee might well say, that there was no evidence against them. The question, then, was, whether under such circumstances—whether, according to a correct construction of the Grenville Act—the decision of the Election Committee was one that ought to be held as positively final? The words of the statute were, that the decision of the Committee should be "final between the parties to all intents and purposes." Now he assured the House that in this instance the parties seated by the decision of the Committee were not parties to the petition, that they were so far from being parties that the Committee expressly excluded any evidence of a recriminatory character against them. What did he claim for the present petitioners? Nothing more than that their petition should be printed, and that the contents of it should be deliberately considered on the first day of the re-assembling of the House after the recess. The question that arose out of the present case was one that had never been determined. It was out of the statute. The words of the statute were precise. They stated distinctly and precisely that the Report of the Committee should be final and conclusive "between the parties." Messrs. West and Hamilton were not parties—nothing was heard against them—yet the Committee did not pronounce them guiltless, but returned only the Scotch verdict of "not proven." He was prepared to adopt the course suggested by the Chancellor of the Exchequer if the House thought fit to adopt it. All that he required was, that in this case, where it was demonstrated that bribery existed —bribery which the former Committee did not try, because those on whose side it was committed were not parties to the petition—there should be allowed an opportunity of trying it now.

Mr. *George F. Young* had paused much to consider whether it were right or not on his part in that stage of the proceedings to offer one word to the House upon the subject. He believed that in doing so he should be departing from that line of cautious prudence to which, perhaps it might be most wise in him strictly to adhere; but, at the same time, rather than run the risk of losing any portion of that character for candour and sincerity which, he trusted, he possessed as well within the walls of the House as out of it, he felt bound to state that, reserving for the present all consideration of the propriety or impropriety of the views which influenced the Committee in restricting the commission as to the evidence to be taken on the question of bribery on the side of the unsuccessful candidates—reserving himself upon that point, he felt, that he was bound in candour to say, that the Committee, having precluded the Commissioners from taking evidence upon a point upon which they conceived it was not competent to themselves to enter, came to their conclusion under the fullest impression that if there were any ground for the allegation of bribery against the Members who were seated in consequence of their Report, it would be open to the opposite party to try that question by presenting a petition to the House. He knew not whether he had acted properly or not in making that declaration. He had not had the opportunity of consulting more than one of his colleagues upon the subject, but he believed, that what he had stated was in strict accordance with the feelings and impressions of all the Members of the Committee. Under these circumstances he would not be a party to any attempt to exclude any parties who came before the House with an allegation of bribery against the sitting Members from giving such proof as it was in their power to offer.

Mr. *Williams Wynn* regretted, that the House should enter into any discussion upon the merits of this question. Questions of disputed election were by law referred to a Committee, the decision of which was directed to be final, and if he (Mr. Wynn) were right, if the House of Commons had been right for the sixty-six years which had elapsed since the first passing of the Grenville Act, if the House had been right in all its former determinations upon questions of this description, it had not the power of entertaining any question whatever upon the determination of an election Committee. The direction of the Act was, that "the decision of the Committee shall be final to all intents and purposes whatever." The hon. and learned Member for Kilkenny (Mr. O'Connell) had referred to the course taken in the case of the Canterbury election petition as if it afforded a precedent for that which he now proposed. But if the hon. and learned Member had taken the trouble to look into that case he would see, that it had no analogy whatever to the present. The report of the Canterbury Election Committee was, that the sitting Members were not duly returned, and that the petitioner was duly returned ; and that was followed by a motion on the opposite side, to be at liberty to question, not the return, but the election, upon which the Committee had not reported. In so doing the Committee had acted in perfect accordance with repeated precedents, in which, when it appeared that clearly on the face of the poll the petitioner was entitled to be returned, they reported that fact without going into the merits of the election, leaving it open to the electors to petition, if they thought fit, within fourteen days, on the merit of the election. He (Mr. Wynn) happened perhaps to be more sensible of the full weight of the precedent upon this point, because one like it was connected with his own family. It was to be found in the case of the Denbigh election in the year 1742. The case was this: there appeared on the face of the poll to be 1,370 votes in favour of an ancestor of his, and between 800 and 900 in favour of Mr. Myddleton. Mr. Myddleton's brother was sheriff, and returned him in the face of the large majority on the poll. The House determined to set this right, and after going into an inquiry upon the point, it declared that the petitioner (his ancestor) ought to be returned, but at the same time gave fourteen days to the electors, or any other person, to question the merits of the election. A similar case occurred in the election for the county of Bedford, in 1784, when a contest took place between Mr. St. John and Lord Onslow. In that case the committee determined that the petitioner had a right to be returned, but allowed the additional time to question the merits of the election.

But in the present instance the report of the committee was, that the petitioners were duly elected, and ought to have been returned. No petition, therefore, could be presented or be taken into consideration but for the purpose of reversing that decision. But, said the hon. and learned Gentleman, "these are not parties before the committee; the electors had not the power of questioning the election of Messrs. West and Hamilton; the sitting Members had that power, but the electors had not, because Messrs. West and Hamilton were not parties." Till about seven years ago, it was perfectly true, that this apparent hardship was one to which the electors might be subject. Up to the year 1828, those who had voted for the sitting Member might, either in consequence of his death, or supposing him to act in collusion with the petitioner, and not *bona fide* to defend his seat—in either of these cases the electors were precluded, and might, without any fault or negligence of their own, be prevented from being represented by the persons whom they had chosen. But, in 1828, he himself had the honour of introducing an Act upon this subject, with the view of remedying that defect; and to enable the electors, in the case of any disputed return, to prevent the possibility of such a contingency as that which he had pointed out. For this purpose in one clause of that Bill it was declared that it should be lawful, "at any time within the space of fourteen days, for any person or persons claiming to have had a right to vote at the election, to petition the House of Commons, praying for a committee, as a party or parties, to defend such return, and to support the prayer of such petition, and such person or persons shall thereupon be admitted as a party or parties, together with the sitting Members, and shall be considered as such to all intents and purposes whatever." Now if the present petitioners had thought fit, in the first instance, to petition under that clause, they would have been admitted as joint parties to oppose the petition—they would have had the full right of recriminating, if they thought fit, whether the sitting Member did or did not think it his duty so to do. He would merely refer to the fact that during a period of sixty-six years since the Grenville Act was passed, that House had never, for one moment, given countenance to the opportunity of questioning the decision of a select committee. It had held, that it should be, as it was provided for by the statute, absolutely final. If it were not, they would be re-opening the decision of every election case that might come before the House. They would have parties coming forward and re-trying every case which had been already determined upon, in the direct face of the words of an act of Parliament, and in the direct face of sixty-six years' practice. Therefore he would conclude by saying, that if he stood alone he would divide the House against this petition being allowed to lie on the Table, or of being received by the House.

Dr. *Lushington* did not rise to pronounce any opinion whether the petition ought to be received or not; but he had heard quite enough in the course of the present debate to satisfy his mind that it was a question of great importance, and ought not to be disposed of by the House without mature consideration. Whether this petition ought to be received or not depended upon the true construction of the Grenville Act, as stated by his right hon. Friend, upon reference also to that Act of Parliament which his right hon. Friend introduced, and upon reference to the whole train of decided cases during the last sixty-six years. Now, he must be a very bold Member of Parliament, and very regardless of the importance of this decision, who would rashly pronounce an opinion either one way or the other, without an opportunity of considering what was the force of those enactments, and what the applicability of those decisions by which it was said this case ought to be ruled. He must be prepared to bear in mind not merely the whole of the Grenville Act, and the whole of the particulars of that important statute to which the right hon. Gentleman had referred, but he must be prepared also, without any notice of this petition, without any previous opportunity of informing his mind upon the subject, or of comparing this case with the Monaghan or any other case, to come to a conclusion upon a most important question involving the validity of the seats of two Members of that House. In his judgment, he who pronounced an opinion in any way upon this case, without applying himself to the points he had mentioned, and without any consideration whatever beyond what the present debate afforded him to give to the question, did injustice to the parties. He was decidedly of that opinion, because he would venture to say perhaps he might make an exception in favour of the right hon. Gentleman, the

Member for the county of Montgomery—that the great majority of the Members of that House were not acquainted with the purport of those statutes, nor of the decisions which bore upon the question. For them, therefore, to decide upon it without deliberating, without thinking, without examining, would be to run the risk of doing infinite injustice. He agreed to the position that this petition ought not to be received unless according to the statute and the law of Parliament. He agreed that in strictness the proper motion would be, not that the petition should lie on the Table and be printed (although that might be the more convenient mode) but that this debate should be adjourned. By adopting that course, they would violate no law of Parliament, and would give an opportunity for due consideration, which would enable the House to do justice to the parties. He agreed further with his right hon. Friend, that if this was one of those cases in which the decision of the Committee ought to be final and decisive, not merely as between the parties who attended upon the hearing of the petition, but as against the whole world, he himself would be one of the first, whatever injustice might have been accidentally done by the Committee, to oppose the establishing a precedent that would lead to mischief. But he could not shut his eyes, in the consideration of this question, to the declaration which had been made by the hon. Member for Tynemouth (Mr. Young) who was a member of the Committee. He could not forget that that hon. Member had told the House that the Committee, right or wrong, had excluded from their consideration one of the most important topics that could enable them to pronounce the very decision to which they had come; that was, whether the now sitting Members had themselves been guilty of bribery or not. It might turn out that the Committee lost their way and were in error. But he would say, that if, according to the statement of the member of that Committee, it appeared that a matter which ought to have received a just investigation, had received none, this House ought to pause before it affirmed the sentence of that Committee. He agreed that those cases in which the decision related to the return, had no applicability to the point now before the House. But when they were pronouncing an opinion upon this point, which the great majority of the House had never been called upon to consider with that particularity which would enable them to perceive what were the precedents that applied to the case, he thought they ought to give time for consideration. Why should they be led into a discussion now? Why not give hon. Members time for consideration? The greater the importance of the question, the greater the reason for the delay. [" *Hear, hear,*" *from Mr. Wynn.*] Very well. If his right hon. Friend agreed, he had done.

Mr. *Williams Wynn* wished to explain. All that he objected to was, that the House should take the slightest step which might appear as if it admitted such a petition. Either it was an election petition or it was not. If it were an election petition, it ought to be received without any question, and as a matter of right. On the other hand, if it were, as almost every body seemed to think it could not be, then it ought not to be received. Therefore, as the hon. and learned Gentleman would be equally within the fourteen days if he were to present the petition after the holidays, he (Mr. Wynn) would suggest that the debate should be adjourned till Monday the 30th inst.

Mr. *Hume* thought, although the debate were adjourned, that the petition might be printed.

Mr. *O'Connell* would not oppose the adjournment of the question till Monday, the 30th. But he begged it to be understood that he offered the petition as a matter of right.

Lord *John Russell* thought the best course for taking the debate on the question which had been raised by the right hon. Gentleman, would be to agree to the adjournment. He agreed with the right hon. Gentleman, that if this were not an election petition it should not be received at all; and, therefore, until that question was decided, it would not be proper that the petition should be laid on the table.

Debate adjourned to Monday, the 30th of May.

TIMBER DUTIES.] Mr. *Hawes* wished to put a question to the right hon. Gentleman, the President of the Board of Trade, with regard to the Timber Duties. There were many persons interested in the Timber Trade, who were anxious to know what course his Majesty's Government intended to take in reference to the duties, In consequence of information he had received, which might be looked upon as official, he was led to believe that the same rate of duty was to be continued, but the mode of levying it to be changed. His constituents had a deep stake in the settlement of the question, and to keep the question of the rate of duty impending over them, after some alteration this year in the mode of levying it, would be most injurious and inconvenient.

Mr. *Poulett Thomson* said, it was not the intention of Government to introduce, during the present Session, a measure for changing the rate of duty. With regard to the other topic touched upon by the hon. Gentleman—the alteration in the mode of levying it, by introducing a system of measurement—the subject was under consideration, but it was not in his power to give any definite answer. In the arrangements that might be made, every attention would be paid to evading the necessity of measuring the deals twice, a plan which was materially injurious and unfair.

Subject dropped.

War in Spain—British Commerce.] Mr. *Maclean* said, as his Majesty's Government were taking a considerable part in the contest in the northern parts of Spain, he wished to ask the noble Lord if instructions had been given to the British naval force on that coast to interfere with our commercial relations? He begged to know whether, supposing that British, or Russian, or American merchants wished to carry on a trade with the adherents of Don Carlos, instructions would be given to the cruisers under Lord John Hay to prohibit them.

Viscount *Palmerston* could only say, that the instructions given to the commander of the British squadron were in strict conformity with the engagements entered into by Government in the treaty of quadruple alliance.

Mr. *Maclean* said, that his question was not whether the instructions issued were in the spirit of that treaty, but whether they authorised interference with our commercial relations.

Viscount *Palmerston:* If the hon. Gentleman asked him what the British squadron would do, he would tell the hon. Member that he could not undertake to say what steps Lord John Hay might think proper to take. But, if any case occurred in which the naval force in the execution of its instructions acted, in what the hon. Gentleman might deem an unwarrantable manner, when the hon. Member brought it forward, he would be ready to discuss it.

Mr. *Maclean* said, that after the recess he should move for a copy of the instructions issued to the British naval force on the coast of Spain.

Mr. *Williams Wynn* considered that his Majesty's subjects had a right to be informed by Government whether they had a right to trade with a particular port. [" *What port?* "] He meant the ports occupied by those who were called insurgents—the adherents of Don Carlos.

Viscount *Palmerston* said, that it was perfectly well known to merchants what restrictions were imposed by the Government of Spain on the commercial intercourse of those ports with other nations.

Mr. *Williams Wynn* said, that his question was, whether the British merchants were to be allowed to carry on their commerce by the British cruisers. He had not asked what the queen of Spain did, but what the king of England would do? He wished to know whether English subjects were to be left at liberty or not by the king of England's ships to carry on their trade?

Subject dropped.

Business of the House.] Lord *John Russell* moved, that the House at its rising do adjourn till Monday, the 30th of May. He would first state to the House that the adjournment he was now moving would not be of such long duration as that which had taken place in 1834. With regard to the last year, it was impossible to form any comparison, as the holidays had been very long, in consequence of the change of Ministry. In 1834, the recess at Easter had lasted nineteen days, at Whit-suntide six: in the present year, the former had lasted eleven days, and the latter would be nine days, making twenty days in all, and five less than in 1834. It was found necessary now to have rather a longer adjournment at Whitsuntide. Formerly the recess at Easter had been the longer, for in those happy days [*a laugh*] the House had adjourned shortly after Whitsuntide. The consequence of a long adjournment at Easter, when the business was comparatively light, was, that the House were obliged to sit during the hot months, and were extremely harassed and fatigued. This year the weight of business had been more pressing, which had happened principally from the number of Railway Bills brought before the House, and from the multitude of Committees, the demands of which on the time of hon. Members were so constant and fatiguing, that the attendance on debates of the House, except upon occasions of particular interest, was scanty and incomplete, and such as he thought should not take place in legislative business. If they waited three days more than usual, making ten days in all, the House would be far better able to resume its labours than if they had had a longer interval at Easter. Such were the good effects produced by that adjournment in the present Session, that more business had been done during the week in which they re-assembled than in any corresponding period of former years. He would take this opportunity of saying a few words relative to a practice which had prevailed formerly. He thought the time had now arrived when, for a certain period, Orders of the day should take precedence on all days of the week. If the House would consent to this for the space of a fortnight, they would make such progress in the public business as would considerably shorten the Session. There would in that case be some prospect of the House being up by the end of July. If any further argument were required in support of the adjournment, he might say, that the House had amply earned the addition by its toilsome labours after the termination of the Easter recess.

Colonel *Perceval* thought it would be better if in future the House should rise for a longer period at Easter, as the vacation was not now sufficiently long to enable them to return from the country.

Mr. *Williams Wynn* did not mean to object to the arrangement of the noble Lord, though he feared it would not be found suitable. A resolution for giving precedence to orders of the day on all days would have injurious effects, in consequence of the custom that had lately arisen of making motions as amendments to orders of the day.

Motion carried.

CHURCH REFORM.] Lord *John Russell* brought up the third report of Commissioners to inquire into the established Church. The noble Lord said, having presented the Report, he should now move for leave to bring in a Bill to carry part of the report into effect, to which he hoped there would be no objection. It was desirable that the Bill should be brought in and printed before the holydays, in order that time should be given for its consideration.

Bill brought in and read a first time.

The noble Lord also obtained leave to bring in, and brought in, a Bill to regulate the secular jurisdiction of the Archbishop of York.

REGISTRATION OF VOTERS.] The Order of the Day having been moved for the further consideration of the Report of the registration of Voters Bill,

Mr. *Warburton* said, he had given a great deal of consideration to this subject, and had in consequence prepared some clauses which he would propose to have referred to the committee in the way of instructions. The House must be aware of the many inconveniences which arose from the present mode of registration before the Revising Barristers. The great number of barristers upon whom at present that duty devolved, tended rather to produce delay than to expedite the business. The most serious inconvenience, however, arose from the variety and inconsistency of their decisions, which took away anything like certainty as to the state of the law upon this subject. He would mention one case in illustration of this. In the county of Middlesex the possession of shares in the New River Company was held by the Revising Barrister to confer a right of voting. In the adjoining county of Hertford, the Revising Barrister held quite an opposite opinion. A third barrister was called in, that the point might be decided by a majority either one way or the other. The opinion of the third, however, was completely at variance with the opinion of the other two, so that no decision could be come to. The object he proposed to himself was, to establish something like certainty and uniformity in their decisions. That, he feared, was not attainable under the present system. What he attempted to accomplish therefore, in the clauses which he should submit to the House to be referred to the committee, was the establishment of a Court of Revision and of Appeal. The greatest difficulty he felt was as to the quarter in which the appointment of the barristers in these new Courts was, to be lodged. He was not supposed to vest this patronage in the Judges, and his motive was, that barristers, if the Judges had the power of appointment, might be induced to look up too much to the Court, and thus be prevented from discharging their duties in that independent and unbiassed manner which the honour of the profession and the interests of their clients required. The Judges should be placed as much as possible beyond all suspicion of being influenced in the appointments they might make by any party or political considerations. It appeared to him that it would not be improper to vest the patronage in the Executive Government; but yet it might give rise to jealousies and suspicions, which, if possible, it would be desirable to avoid, he, therefore, gave up that idea. To vest it in the Chancellor might be attended with some advantages; because, being at the head of the law, he must naturally be supposed to have some knowledge of the qualifications of those whom he appointed; and, besides, being a member of the Government, the responsibility of the Government would to a certain degree be involved in his appointments. After all the consideration he was able to give the subject, the conclusion to which he came was, that the most advisable course, that to which he saw the fewest objections, would be, to vest these appointments in the Speaker. One great object he had in view was, to limit the number of Revising Barristers, and thereby to produce ultimately more uniformity and clearness in their decisions. The expense of the Revising Baristers under the present system was 32,000*l.* a year. Now, by reducing the number to twelve, the half of this sum 16,000*l.*, would be sufficient to provide a respectable salary for each of these twelve barristers. Without trespassing further on the time of the House he would move the first clause, in the shape of a resolution, to this effect—"That it be an instruction to the Committee to make provision for the establishment of a permanent Court of Revision, and also for a Court of Appeal from the same."

Lord *John Russell* regretted, that there was not a fuller House for the discussion of so important a subject as that which the hon. Member for Bridport had brought before the House; for he (Lord J. Russell) was most desirous to ascertain what were the sentiments of the House on the proposition then before it, which would make a very considerable alteration in the provisions of the Reform Bill. His own impression was, that the object which the hon. Member for Bridport wished to accomplish was a very desirable one. Before this Bill was brought into Parliament, he had stated to his hon. and learned Friend the Attorney-General, that it was his opinion that there ought to be a permanent Court of Revision, with a smaller number of Revising Barristers as Judges, in order to obtain some uniformity in their decisions; but there was a difficulty in establishing such a court, owing to the same day being fixed throughout the kingdom for the payment of those rates and taxes which gave the elective franchise—a difficulty which at that time he did not see the means of overcoming. The advantages of the establishment of such a Court of Revision as the hon. Member for Bridport contemplated were so very great, that if he could believe that it met the general approbation of the House, he would not withhold his assent from it, but would do all in his power to facilitate its construction. Among the rights of individuals which were liable to dispute, he had always lamented that there should exist so many doubts as to the rights of individuals to vote for members of Parliament. Those doubts arose from the various descriptions of franchise which formerly existed in various parts of the country. The Reform Act had cured that to a certain extent by making the franchise almost uniform throughout the towns of the country. Still that variety of franchise existed in the counties; and though the variety of decisions as to what constituted that franchise was not greater now than it was before the appointment of revising barristers, it was much more generally known, because the revising barristers gave their judgment with some degree of formality in public, while formerly the assessors gave their judgment in the sheriffs' room almost without a witness. It was most desirable, both for electors and for candidates, that there should be certainty as to what constituted the right of voting, and that, when a question on a doubtful point was decided, the decision should extend to all parts of the kingdom, so that you should not have a voter in Yorkshire disfranchised upon grounds upon which his franchise had been allowed in Cornwall. It would therefore be a matter of great public advantage to have a court of revision, and from that court of revision a court of appeal. By the formation of such courts, you would in the course of a few years frame a body of decisions which would fix the law, and remove all doubts on the subject. The doubts also as to the franchise which arose out of the conflicting decisions of election committees would be removed by the formation of this court of appeal; for if there were a court of appeal properly constituted, it was quite evident that a body of gentlemen acting upon oath in such committees would avail themselves of the information collected by such a court, and govern their decisions by its judgments. We should thus get certainty where we now had doubt, and put an end to that expensive litigation which arose out of that incertitude that now prevailed. The hon. Member for Bridport would see from this, that he (Lord J. Russell) was friendly to his proposition as far as its principle went, but the House would recollect that he had stated before, that his difficulty was as to the parties by whom the courts of revision and appeal were to be appointed. He agreed with his hon. Friend in thinking, that there were very strong objections to vesting the appointment of the revising barristers in the judges. It was objectionable to place patronage of this kind in the hands of persons holding the rank of judges in this country, because it rendered them liable to charges which, though unfounded, could not be avoided, where the passions of men were heated by political contests. As to the appointment by the Crown, there were still greater objections. His hon. Friend had therefore proposed to give to the Speaker the power of appointing members of the courts of revision and appeal. He did not see the same objection to investing the Speaker with the power of appointment which he did to giving it to the judges and the Crown. The Speaker was supposed to be impartial in conducting the proceedings of that House, but still, in matters of politics, the Speaker was not and could not be altogether impartial. The name and authority of Speaker led the individual who filled the chair to do justice to all parties in that House, but taken as he was from the ranks of one or other of the two great parties which divided the state, with one of which he must have voted for at least fifteen or twenty years, it could not be said that he, like one of the judges of the land, was perfectly impartial. If the Speaker were to appoint the revising barristers, it could not be said that the House was giving him by that appointment a political character which hitherto he had not possessed. On the other hand this scheme was exposed to this disadvantage—that it would be said that the Speaker selected for revising barristers those lawyers who were of his own politics, rather than those of adverse politics. He knew of no other person better qualified for conferring those appointments than the Speaker. He should be glad to entertain the proposition of his hon. Friend the Member for Bridport. As to the patronage, he would rather that the House decided by whom it should be exercised than give any decisive opinion on it himself. The only remaining question was whether they should go into Committee in order to have these clauses inserted in the Bill. He thought it would not be fair to insert them, unless the House was prepared to reconsider the whole Bill in Committee on a future day.

Mr. *Williams Wynn* had always been of opinion that the system provided by the Reform Bill for the management of the register of votes would be productive of evil and inconvenience, and the result had answered his prediction. He had also always been favourable to the appointment of some court of appeal, the effect of which would be to afford some degree of certainty and uniformity to the decisions on the law of registration. For his own part, he was certainly desirous that greater competency and a higher degree of talent should be secured by a diminution in the number of barristers, and a consequent increase in the amount of emolument apportioned to each; for he was of opinion that that was the best economy which secured the highest order of talent in the market. He objected to the principle of the proposition which would vest the right of choosing the revising barristers in the Speaker. He thought that the Speaker could not be supposed to have a personal knowledge of the fitness of the individuals suggested to fill the offices, and that he must therefore be expected to rely in a great measure on the recommendation of the Attorney and Solicitor-General. He (Mr. Wynn) would much rather the right of appointment was vested in the Lord Chancellor, who would make the appointments in the face of Westminster Hall, and subject to the influence of public opinion. He would not object to joining other legal dignitaries to the Lord Chancellor for the purpose, as, for instance, the Lords Chief Justices of the King's Bench and Common Pleas, and the Lord Chief Baron of the Exchequer.

The *Attorney-General* expressed his satisfaction at the manner in which this proposition had been received by the House. A plan almost similar to this had been proposed to him some time ago by his noble

Friend (Lord J. Russell), but the great difficulty which they both had felt was with respect to the alteration of the day for the payment of rates and taxes, a day which was the same throughout the kingdom. His hon. Friend (Mr. Warburton) had met that difficulty manfully and successfully, and, in his opinion, had completely obviated it. It could not be denied, that the present system had caused great dissatisfaction, but that was no reflection on the profession to which he (the Attorney-General) had the honour to belong. When they took 175 barristers from that profession to act as Judges, it would be no wonder—supposing them to be as learned even as the judges of the land —if great discrepancies were found amongst their decisions. By fixing the number of the Revising Barristers at twelve, they would get an uniformity of decision, which would command the respect and confidence of the public. The business of the country would be done at the same time more efficaciously and more economically. He hoped the House would now go into Committee *pro forma*, in order to have it proposed in the Committee, and then to have it printed.

Mr. *Charles Buller* approved of the proposition to substitute a Court of Revision for the present system of the Revising Barristers, but he objected strongly to vesting the appointment of members of that court in the Speaker, not from any doubt that the eminent individual who now filled the chair would make a good selection, but because, in future, when a Speaker had filled the chair during a period of six or seven years his means of judging the fitness of the individuals appointed would be very much diminished. He thought, also, that it would ill contribute to the maintenance of the dignity and authority of the Chair if its occupant were liable at all times to be attacked and cavilled at for acts committed by him in the discharge of the trust reposed in him. He objected, also, to the proposed constitution of the Court of Appeal. He thought that this court might with more advantage be connected with the Election Committees of that House. His own proposition to the Committee which had been appointed to inquire, into this subject had been, that there should be a certain number of permanent chairmen of Election Committees, who would act in every respect as a Court of Appeal on the decision of the Revising Barristers, and by the same process introduce uniformity in the decisions of Election Committees. The Court of Appeal proposed by the clauses of the hon. Member for Bridport, must of necessity not be composed of a permanent and unfluctuating body, and to their decisions would attach great inconvenience. The estimation of those decisions would in a great measure depend upon the public opinion of the degree of capacity of the individuals to whose lot it had fallen to make them, and he therefore thought that some fixed body, like that to which he had referred, would be preferable.

Mr. *Bernal* observed, that as the H o u appeared to approve of the principle of his hon. Friend's motion, it would be better to abstain from discussing it until they went into Committee. Whether the appointments should rest with the Speaker or the Secretary for the Home Department would be a proper matter for the Committee to decide.

Mr. *Charles Villiers* did not disapprove of the nomination of the Speaker to appoint the functionaries for the revision of votes. He felt strongly the defects of the present system, and agreed that it was absolutely necessary to make some change. He was sorry, however, that his hon. Friend, the Member for Bridport, did not agree in the appointment of a Court of Revision. Much blame had been thrown on the barristers, but he thought unjustly, as most of their time was occupied in correcting the errors committed by those to whom the making out the lists was intrusted. He would prefer that the curate of the parish, or the parish clerk, should make out the lists in the first instance, instead of the overseer.

Mr. *Warburton* would prefer that the appointments should rest with one individual rather than with many, as there would be more responsibility. He should prefer that the Speaker had the appointment of the Revising Barristers, rather than the Lord Chancellor. He only wished at present that his proposition should be agreed to, *pro formâ*, and it could be introduced into the Bill in Committee, and considered on a future occasion.

The *Speaker* said, that the first intimation which he had of the intention of the hon. Member for Bridport to give to himself the appointment of these Judges, was from reading it in the printed resolutions. He must own that he read it with regret, and subsequent reflection had not diminished that regret. He thought it would in some degree combine the executive with the legislative power, to which latter he thought the functions of the House ought to be confined; still, if it was the pleasure of this House to fix this duty upon him, he would acquiesce in it. It would, he considered, be placing an appointment which ought to be responsible, in the hands of the only Member who could not stand up in his place and defend his conduct when questioned.

Resolution agreed to, and instruction ordered accordingly.

Lord *Ebrington* moved "that it be an instruction to the Committee to insert a clause limiting the time for taking the poll to one day."

Agreed to.

The House resolved itself into a Committee.

The clauses proposed by Mr. Warburton and by other hon. Gentlemen, having been added to the Bill, with the view of their being printed and taken into consideration at a future period.

Adjourned for the Whitsun holidays.

HOUSE OF LORDS,

Monday, May 30, 1836.

MINUTES.] Bills. Read a second time:—Roman Catholic Marriages.

Petitions presented. By several NOBLE LORDS, from various Places, for a Better Observance of the Sabbath.—By Lord WHARNCLIFFE, from Halifax, for an Alteration of the Ecclesiastical Courts' Consolidating Fund Bill as regards Probate of Wills.—By Lords KING and HOLLAND, from Leighton Buzzard and Taunton, against the Punishment of Death for any Crime but Murder.

HOUSE OF COMMONS,

Monday, May 30, 1836.

MINUTES.] Bills. Read a second time:—Bankrupts' Fund.

Petitions presented. By Sir EARDLEY WILMOT, from Medical Profession (Warwickshire), Complaining of inadequate Remuneration under the Poor-Law.—By Mr. ROBINSON and Mr. FORT, from Worcester and Clitheroe' for Removal of Jewish Disabilities.—By several HON. MEMBERS, from various Places, for Excise Licences, (Ireland) Bill.—By several HON. MEMBERS, from various Places in Ireland, against Allowing Grocers to sell Spirits. — By several HON. MEMBERS, from various Places, for a Bill to Promote the Observance of the Sabbath.—By Lord C. FITZROY, from Bury St. Edmund's, against Adoption of the Lords' Amendments.—By Mr. BROWNE, from Islandeady, in favour of Landlord and Tenant Bill (Ireland).—By Mr. HUTT, from Shipowners and Merchants of Hull, Complaining of their Claims not having been liquidated.—By Mr. HUME, from Caher, for Revision of the Criminal Code; and from different Tradesmen of the Metropolis (three Petitions) for the Repeal of the Stamp Duties on Newspapers.

TRADE WITH CAPE COAST CASTLE.] Sir *Robert Peel* rose to present a petition of a peculiar nature. It had come to him, accompanied with a letter through the Post-Office, and he had no doubt of the genuineness of the document. The petition was an appeal to the House of Commons for protection, and was signed by Quoffee Abberrapoo or (King Aggry) on behalf of the inhabitants of Cape Coast Castle. The Prince expressed great gratitude to the House for the vast benefits they had conferred on the black population of the world by the abolition of negro slavery? but the principal object of the petition was, that the House of Commons would take measures to secure to the natives of the neighbourhood of Cape Coast Castle the benefits of free trade, or prevent the merchants of Cape Coast Castle from interfering to prevent the free traders of Bristol and Liverpool from affording the natives the commodities they wanted at a much cheaper rate than they (the merchants) would do. The Prince stated himself to be an ally of England, and had sent the petition to that officer who could best forward their interest. He was sure that the House would not receive the petition with levity—as it was on the subject of the commerce of the country.

Laid on the Table.

DUBLIN ELECTION PETITION.] Mr. *O'Connell* rose to move the Order of the Day for resuming the debate on the subject of the petition which he had presented, which was in substance, though not in form, an election petition, from the constituency of Dublin. At the last election for that city two persons were returned as duly elected, A petition was presented from certain electors against that return, praying for a scrutiny, and the substitution of the defeated candidates. To that petition the defeated candidates were no parties—it was merely the petition of certain individuals, and on being presented it was referred to a Committee, who determined that the evidence should be taken in Dublin before a Commission appointed under the Act, and special rules were framed by the Committee to limit and confine the evidence to be given. The Committee, among the limitations which it imposed on the Commissioners, had prescribed one, the 16th rule, in the words which he would read to the House:—"That no recriminatory evidence be admitted against the defeated candidates, except as far as regards the disqualification of their voters, they not being petitioners, nor any parties to the investigation before the Committee." Thus the petitioners had disclaimed the candidates as parties; they had called on the Committee to decide that they were not parties, and to draw the inevitable inference that no evidence could be given affecting them personally; and the Committee had accordingly unanimously so decided. Now, there was not the least doubt that the petition prayed a substitution and a scrutiny; that it charged bribery and intimidation on the part of the sitting Members; that the sitting Members, on the other hand, retorted those charges; and the petitioners came forward before the Committee, and insisted that the Committee should determine that the unsuccessful candidates were not parties before them, and that consequently the evidence should be so limited. Thus the unsuccessful candidates remained scatheless, and no evidence could be adduced against them. There was no exaggeration of that fact, because a Member of the House had stated, that that view of the case had been distinctly come to and acted upon by the Committee. He had only one more fact to state, and that was, that there were eight persons struck off the poll for having been promised money for their votes before they voted, and having been subsequently paid for their votes after they had voted. The fact, therefore, of bribery having existed, was so clear that it could not be disputed. He believed, that the facts which would bring that bribery home personally to the now sitting Members were equally clear, so that if the House were compelled to decide that this evidence was not to be gone into, it might suppose the case of sitting Members having given these bribes themselves — having actually made the promise,—and yet that was a case in which there was no kind of remedy whatever. If such a decision was made in the Court of King's Bench, people would ask how a Judge dare to arrive at such a decision? The case turned upon two Acts—the 9th of George 4th, cap. 22, and the 46th of George 3rd, cap. 106. This last was the Statute which gave legal power to appoint Commissions. The hon. Member read the 14th section, by which the Committee were empowered to specially assign and limit the facts which the Commissioners were to try. The Committee accordingly limited the inquiry as to the fact, by excluding evidence upon the point to which he had referred. He would then come to the 9th George 4th, which was said to be the perfection of legislation. It was alleged that this Statute made the decision of the Committee final, and that, therefore, no more evidence could be let in against the parties. Could any proposition be more monstrous? The Statute enacted, that the Committee were to decide whether the petitioners or the sitting Members were duly elected, and that such a decision should be final between the parties. The House was now called upon to declare that the decision of the Committee was to be final between persons who were no parties before the Committee. The Committee had decided that the present sitting Members were no parties before them, and refused, upon that ground, to hear evidence against them. He hoped, therefore, that party spirit would never induce that House to depart so far from what was the clear intention of the Legislature. The Legislature stopped there, and now it was attempted to carry the principle much further by construction. What did the Act say in another part? It provided that eleven Members should be chosen as a Committee. The eleven were to retire and choose a chairman; and then it provided, that, in case those eleven should be equally divided in opinion, they should settle the point in another way. There was a Statute for them! He contended that the 40th section did not include the present case; it expressly excluded it, and there was no ground why the petition of his late constituents, or those who voted for him—they certainly did not vote for the present Members—should not be received; why a Committee should not be appointed, and an investigation had as to who committed the bribery. There had been an allegation of bribery against him, and the witness who had been produced to sustain it was now under sentence for perjury; that was a tolerable refutation of the charge. All the petitioners desired was investigation, and it was the duty of the House to inquire whether the bribery happened by accident, or whether there had been hands to set it in motion. That investigation might not be very convenient for—he did not allude to the sitting Members—but a gentleman of the Irish Bar, whose handwriting, dated "Committee-Room," made a portion of the evidence by which some of the voters had been struck off. It might also be inconvenient for some persons on that side the water, for thousands of pounds do not fly over the Irish Channel without some persons to send them across. It had been asserted that the Canterbury case was a decision against him. What was decided in that case? That the petitioner ought to have been returned, and that the sitting

Member was not duly admitted. Now, he would ask, ought any man to have been returned who was not duly elected? If he was in a Court of Justice, he should laugh to scorn the pitiful chicanery that made such a distinction, and would consider such a decision final and conclusive between the parties. This was not a final decision, because it did not include all the particulars. It did not follow that this decision was a decision under the Act. The Canterbury case met this. There was a class of cases that did not come within the finality of the Statute, and this was one of them. He had laid the case of these electors before the House, and he trusted that there could be no reasonable doubt that the House would take care that what ought to be investigated should be. He did not of course suspect that either of the Gentlemen (the defeated candidates) had themselves bribed, but there was no doubt that bribery existed, whatever doubt there might be as to the quarters from whence the money came. That that money had been found by some party was perfectly clear, and the only question was whether, under the circumstances, the House would send back the petition to the Committee to review their decision.

The *Attorney-General* thought, that this petition could not be received, it being contrary to the statutes. He felt it his duty most attentively to consider the case, and he must acknowledge that it was with very great reluctance he had at length arrived at this conclusion.

Mr. *O'Connell* rose, amidst loud cries of "Chair," and "Order." He begged the Attorney-General's pardon. He wished to say but one word. [*Cries of "Spoke."*] It would save the time of the House. [*"Chair, chair."*] He wished to withdraw the petition. [*Cheers.*] His wish to withdraw the petition whatever his own opinion might be, the principal law officer of the Crown having pledged his legal reputation to a contrary opinion he did not think it would be becoming in him (Mr. O'Connell) to persevere.

The *Attorney-General* said, that his opinion was of comparatively slight value, but the question was one on which the Speaker's immediate predecessor had bestowed much consideration, and he believed it had received the serious attention of the present Speaker. He felt anxious that the opinion he had pronounced should be contradicted or corroborated by that of the hon. Gentleman in the Chair.

The *Speaker:* As I collect, that it is the wish of the House that I should state the opinion which I have formed on the question raised by the petition now tendered, I shall do so. The object of the Grenville Act, and of the Acts which have followed it, was to take from the House the power of deciding on controverted returns and elections, and to vest it in a Committee, to be chosen in the way prescribed in the Act. Where a petition, complaining of an undue election, alleges that the unsuccessful candidates were the parties who ought to have been declared to have been duly elected, the intention of the Act clearly is, that the judgment of the Committee should be final. It is competent either to electors, to the unsuccessful candidates, or to both, to present petitions claiming the seats. But it is to be remembered, that the constituencies are the substantial and real parties. The parties petitioning only represent their interests. In all cases, therefore, where the seat is claimed, the Committee are bound to investigate and decide all points by which the right to the seat can be effected. If a Committee should decide that either of the parties has been duly elected, having omitted to investigate and decide any point by which the right to the seat might have been effected, they must be held to have come to an imperfect and premature decision. In this case, voters were struck off the poll, because they had received pecuniary consideration for their votes, and certainly it does appear to have been the duty of the Committee to have ascertained whether the candidates were privy or parties to the bribery, on account of which the votes of some of the electors who supported them were disallowed. Unless this point was fully sifted, I cannot imagine how the Committee could have come to the conclusion that the parties in whose favour such votes were given were duly elected. It is surprising that any question should be raised as to whether the Members declared to have been duly elected, were parties or privy to giving money, because the Committee has reported that there was no evidence to connect the now sitting Members with the bribery which was proved. Their Report on this point is expressed in the exact form of words that would have been used if the matter had been thoroughly sifted and examined. I therefore did feel great surprise when it appeared that a doubt existed on this point—that the Committee appeared to have thought it possible, that, after their Report so expressed, it was in the power of this House to countenance any proceeding by which this question could be further investigated. It may be a cause of regret if the Committee has conducted this important portion of the case imperfectly; for my opinion is clear that, according to the true construction of the Act, the decision of the Committee must be final. I have referred to no authorities, because it seems to be plain on the reason of the case, that no party can be declared by a Committee to have been duly elected, if any point, by which the right to the seat could be affected, has been omitted. There is, however, one recent case in 1833, which is so similar to the present that I cannot refrain from alluding to it, especially as I think that it must have been brought under the notice of the Committee, as one of the Gentlemen who was counsel in this case, was also counsel in the one to which I am about to refer. In the Southampton case in 1833, one of the Members who had been returned, was unseated, and it was decided that one of the unsuccessful candidates ought to have been declared duly elected. After the Report of the Committee had been made, there was a desire, as in this case, to present a petition charging the Member who had been seated, by the Report of the Committee, with bribery and treating. The opinion of my predecessor was asked, and he decided, that if there was an intention of preferring any such charge it ought to have been made, heard, and decided, before the Committee reported; that it was then too late, as the Report was final. In this opinion I entirely concur. I think, therefore, that there is no legal ground on which this petition can be entertained. I am quite as clearly of opinion that there is no equitable ground for entertaining it. I do hope that this House will never be induced, under the pressure of any circumstances, to shake off the fetters which the law has imposed on its own powers. If it should ever establish such a precedent, I fear that it would prove to be a bad and mischievous precedent, and that the day would come when, for different reasons, and under different circumstances, it would be induced to shake off the fetters which the law has imposed on others.

Lord *John Russell* observed, that after the very clear exposition of the Speaker, the House, he thought, could not do otherwise than confirm the decision of the Committee. While he entirely agreed in the observations that had been made upon the law of the case, and thought it would be improper in the House to disturb the decision of the Committee, yet he could not allow the question to pass without expressing his opinion that by the Act of the Committee (whom he had no doubt had discharged their duty conscientiously,) a very gross injustice had been committed. The Report of that Committee stated, that the sitting Members had been duly elected; and by that it was to be inferred that every circumstance relating to the election had been properly and duly investigated. The fact, however, was otherwise. He did not mean to find fault with the motives of the members of that Committee, but certainly their decision ought to lead the House to consider whether some remedy could not be adopted for the future to prevent that which had occurred in this case, and which operated most injuriously, and, he must also say, most unjustly. It was admitted by the Committee for inquiring into the election for the City of Dublin that there was a case which required investigation, and yet they refused to inquire into that which required investigation. He agreed with the right hon. Gentleman in thinking that the petition could not now be received, but he considered the Committee had come to an erroneous conclusion in refusing to investigate what was so material to the case.

Mr. *Williams Wynn* felt, after what had been said by the Speaker, in which he concurred, the difficulty of adding any thing on the subject before them, yet he could not avoid saying a word or two respecting it. He felt fully the inconvenience of altering the decision of the Committee, and he also felt the inconvenience of allowing an illegal decision to remain. In his opinion, the decision of the Committee was a most mistaken one as regarded one part of the case before them, in refusing to receive evidence criminatory of one party before they decided on their Report as to whether the petitioners were duly elected. That course was most certainly wrong, but the great difficulty now was, what could be done to remedy the error? Under all the circumstances he thought it would be better not to interfere with the decision as it stood.

Mr. *O'Connell* begged to call the attention of the right hon. Gentleman to the 26th section of the Act; that section prevented the Committee from receiving any further evidence after they had made their Report. The mistake was in the Statute.

Mr. *Rigby Wason* objected to the course proposed, as lending the sanction of the House and the law to an obvious injustice. There was a great difference between the Canterbury and Monaghan cases, which had been relied on as authorities and the present. In both the former the petitioners never attempted to prove a case of bribery against the sitting Members, nor had they ever asked the Committee to receive evidence on such a point. It would be contrary to every principle of justice if the parties could keep in their pockets the best part of their case, and take the opinion of the Committee upon the least important part of it. The present case, therefore differed entirely from those alluded to by the right hon. Baronet, the Member for Montgomeryshire. What he should propose was, that the House should resolve to give to the electors of Dublin fourteen days to present a petition, which, in his opinion, was the course pointed out by the forty-second section of the Reform Bill.

Mr. *George Young* said, that it was with deep regret that he felt it his duty to offer himself to the attention of the House for a few moments in consequence of the severe illness of the Chairman of the Committee, which threw upon him the task of giving to the House a short explanation of the course which the Committee had pursued. After the opinion which had been so decidedly expressed from the Chair, and from so many other quarters of the House, as to the illegality of the decision of the Committee, it would ill become him to question the justness of that opinion, and he should therefore not attempt to do so; neither should he waste one word in vindication of the motives which had influenced the decision of the Committee, because the motives of those highly-honourable men with whom he was proud to have been associated on the Committee had not been impugned. His object in rising was, to offer a word of explanation, in order to elucidate some circumstances of which the House was not aware. It would be recollected that the Commission was sent to Dublin in the month of March, 1835, and the Committee, in granting that Commission, passed a resolution restricting the Commissioners in the reception of evidence. It was well known to the House, and to all the parties, that such restriction was placed upon the Commissioners, and yet this was the first time that the slightest intimation was given that, by that resolution, the Committee had shut out the electors of Dublin from an investigation of the charge of bribery. The consequences of the resolution to which the Committee had come ought to have been pointed out at the time, when there would have been an opportunity of reconsidering it. When the day came lately for going into the investigation of the charge of bribery, the counsel for the sitting Members proposed to go into the whole of the cases upon that charge. The Committee, however, were at the time engaged in the scrutiny of votes, and they came to the decision that it was better to go on with that scrutiny; and that if in the course of it any case of bribery should be made out, it would be competent to the Committee to reconsider their decision on an application being made by counsel to that effect; but no such application had been made. The Committee would not have passed the resolution restricting the Commissioners against going into any evidence to bring home bribery to the present sitting Members, unless they had believed that it would be open to the electors to go into that question on a future occasion. Mr. Austin, the counsel, said that he had not yet touched upon the most important part of his case, namely, the charge of bribery. The Committee upon that point reserved to themselves the reconsideration of whether or not they would send the matter back to the Commissioners to inquire into the bribery part of the case, on any subsequent application being made to them by counsel to that effect; but the application was never made. He would not of course pretend to say what the decision of the Committee might have been had they been applied to; but he was sure the application would have met with the same deliberate and dispassionate consideration which every other part of the case did. The Committee were, however, unanimous in their reservation of the right to reconsider the point, had they been applied to. The motives of the Committee had not been impugned; but the legality of their decision had, as being opposed to the statute law. He was free to admit that he was, and he believed most of the Committee were unacquainted with the statute law on the subject, but he knew that they came to the decision at which they had arrived as honest and conscientious men. Their decision in this instance was certainly unfortunate in respect to its illegality, but it was impossible to impugn the motives by which it was influenced.

Mr. *O'Connell* wished, in justice to himself, to state, that he had not said one word of the motives of the Committee; but he did of their erroneous decisions, of which this was a very small sample. He could not, however, allow the hon. Member who had just sat down to fritter away the distinct admission he had made on a former night, or to qualify it now by any circumlocution. That hon. Member had stated distinctly, that he thought the Committee had come to an erroneous conclusion in having excluded evidence, and he came now down to the House, and with a great number of words sought to qualify that admission. He could not allow the hon. Member to do away with that admission, by attempting to make them believe that he really did not know what the effect of the limitation imposed upon the Commissioners might be. The hon. Member said, that when the Committee came to that resolution, they ought to have been informed that the resolution they then adopted could have the effect which it had been since proved to have. The House must be astonished when he told them, that the Committee decided that they would not hear counsel. One of the counsel for the petitioners, Mr. Harrison, spoke in terms to the Committee which were not the most flattering upon that decision. And the hon. Member now came down to say, "Why were we not informed that such would be the effect of our resolution?" he having prevented counsel from giving him that information. He did not arraign the hon. Member's motives, but he did his capacity. Again, upon the very occasion to which the hon. Member had just alluded, Mr. Austin was interrupted and prevented by the chairman or by what he might call his mouthpiece, the hon. Member for Tynemouth. Counsel was prevented from going into a statement by the opinion irregularly delivered by the hon. Member. He did not impugn motives—the human mind could not be well searched; and therefore it was that he did not impugn the motives while he impeached the decisions of the Committee.

Mr. *Young* had not used the first person in speaking of the Committee. It was therefore an injustice to him to make him singly responsible for the acts of the Committee. What were his acts, were the acts of the Committee. And now he should say this—let the hon. Member for Kilkenny account to the House how it happened that he was so unfortunate in his Committee, composed as it was of all parties, that it should, when it gave a decision adverse to that hon. Member, be always unanimous in its decisions. Now, it was peculiarly unfortunate for that hon. Member, that if the Committee came to an erroneous conclusion, that those whose political sentiments were well known to coincide with those of the hon. Member for Kilkenny, should be unanimous in coming to such a conclusion. As to the "want of capacity," of which he with others was accused, he should not answer it, as he considered the observation unworthy of an answer, and he received it with the contempt that it deserved.

The *Speaker* remarked that the case had been substantially disposed of, and he therefore hoped that the discussion would not be pressed farther.

Mr. *Holland* remarked, that all the Members of the Committee had come into that House honourable men, and he trusted that no imputation could now be cast upon them for the decision which they had come to.

Petition withdrawn.

REFORM OF THE HOUSE OF LORDS.] Lord *John Russell* wished to know from the hon. Gentleman opposite (Mr. G. Price), whether it was his intention to bring forward that evening his motion to have the notice of the hon. and learned Member for Kilkenny, with reference to a change in the constitution of the House of Lords, expunged from the books; or whether he would wait, and bring it forward on some future day on going into a Committee of Supply?

Mr. *O'Connell* said, that he intended to move that the hon. Member's (Mr. G. Price's) notice be expunged from the book.

Mr. *Grove Price* said, that he would shortly state to the House the course which it was his intention to pursue with reference to the notice of motion to which the noble Lord alluded. It certainly had been his intention to bring forward his motion when he gave notice of it, with a view to prevent a discussion respecting the other House of Parliament, from which, it was his conviction, that nothing but evil consequences could arise. Although he entertained not the slightest doubt of the overwhelming majority with which the House would repudiate the notice which it was his object to have expunged from the books, and the attack upon the privileges and constitution of the other House of Parliament which it designed, yet he was unwilling to bring about a deliberate debate upon such a subject. Since he had given his notice, he had been informed by some gentlemen to whose judgment and opinions he was at all times ready to pay the greatest deference, that there were some technical objections in the way of his motion; and, that being the case, he would not risk the loss of a question of such tremendous magnitude upon a mere point of form. While he thus waved, for the present, bringing forward his motion, for the reasons he had stated, he begged it to be distinctly understood that he did not abandon it on any principle connected with the important subject which it embraced, and that at a proper season, *in tempore et in loco*, he should bring it forward, in order to place upon the Journals of the House, the strongest expression of the feelings which he entertained upon the subject of it. He knew the dexterity of those with whom he had to contend, and how adroitly they would endeavour to turn him round upon a point of form; and as he looked upon this question to be the most important and momentous that had been brought under the consideration of the House since the year 1648, he should take the necessary time to consider what would be most judicious for him to pursue respecting it hereafter; but at the same time he begged to repeat his determination not to lose sight of the object he had in view.

Mr. *O'Connell* begged also to assure the House, that he should not lose sight either of the object which he had in view. He knew of no technical objection to prevent the hon. Member from bringing forward his motion, and he (Mr. O'Connell) was ready to meet it, whatever opinions might be entertained upon the subject either at the camp of Don Carlos or by the *Morning Post*. The question would ultimately be decided as the people of England willed that it should be.

Mr. *Grove Price* explained. He had already stated, that he withdrew his motion on technical grounds. There was, however, another reason. If he had succeeded in his motion, for which there was but one precedent, and that a hasty one, the hon. Member for Kilkenny, or some other hon. Member, might have brought it forward on any supply night.

Lord *John Russell* was glad the hon. Gentleman had expressed his determination not to persevere in the motion of which he had given notice. It was his intention to have opposed that motion, as it was his intention, whenever it came on, to oppose the motion of the hon. and learned Member for Kilkenny. It was certainly his opinion that, as it was the undoubted right of that House to entertain Bills to regulate the succession to the Throne, and to reform the representation of the people in Parliament, so, likewise, it was the undoubted right of that House to introduce and to favour, if they should think fit, Bills respecting what was called reform, but what he did not consider reform, in the constitution of the other branch of the Legislature. That was the opinion he entertained—the opinion he should have been prepared to maintain and argue upon, if the hon. Member had gone on with his motion. He was very glad, as he had already stated, that the hon. Gentleman had listened to the advice of others—as he presumed, the advice of the right reverend Prelates of the Church. A motion, it would be recollected, had recently been made in that House, not for any reform with respect to the number of Prelates sitting in Parliament, but to remove Bishops from sitting in Parliament altogether. Now, as the Lords spiritual had as full a right, and he was determined to maintain that right, to sit in the other House of Parliament, it certainly would have been a bad compliment to those right reverend Prelates if the House of Commons had shown itself ready to discuss and divide upon a motion with respect to the removal of the Bishops, while it could not entertain a motion with respect to the removal of the lay Lords. He thought it was very likely, therefore, that the right reverend Prelates, feeling somewhat hurt at the course intended to be pursued by the hon. Member, had suggested to him the propriety of ithdrawing his motion, in order that they might not be placed in an invidious situation as compared to the lay Lords. He had much greater respect for the right reverend Prelates than the hon. Gentleman. He would maintain their right to sit in the House of Lords—he would maintain the right of the lay Lords—he would maintain them both equally, and therefore he was not prepared to make that invidious distinction between the spiritual and temporal Lords of Parliament, which was involved in the motion of the hon. Member.

Notice of motion withdrawn.

The House resolved itself into a Committee of

SUPPLY. — MISCELLANEOUS ESTIMATES.] Mr. F. Baring moved a grant of 64,450*l.* for public works and public buildings.

Mr. *Goulburn* took that opportunity of directing the attention of the Chancellor of the Exchequer to the havoc made in Kensington-gardens by the cutting down whole rows of ornamental timber, which had so long served the purpose of an agreeable shade, and to which the public had been accustomed to look with feelings approaching to respectful veneration. It was much to be regretted that those who had the power of doing such extensive mischief were not subjected to some better control before they applied their axe in so indiscriminate and destructive a manner. He very much regretted that persons who had it in their power to commit greater mischief than they could ever repair, were not placed under more efficient control.

The *Chancellor of the Exchequer* said, that if future generations were to be gratified by the existence of any trees at all in Kensington-gardens, it was indispensably necessary that the decayed and sickly trees should be cut down.

Mr. *Goulburn* replied, that a great number of the trees which had been cut down were not at all decayed.

Mr. *Hume* bore testimony to the judicious nature of the alteration. If the right hon. Gentleman would only look at the trees in question next spring, his objection would, he was quite certain, be removed. The hon. Gentleman (Mr. Hume) wished to know on what ground 3,000*l.* should be voted for the repairs of Marlborough-house, when that building had been settled on the Queen? He also wished to know whether it was likely that Buckingham Palace would be used for the purpose for which it was intended, namely, the residence of the King?

The *Chancellor of the Exchequer* was not aware that any circumstance had arisen that could justify the supposition that Buckingham Palace was not to be used as the King's residence. At present it required one or two further alterations; but he had the satisfaction of being able to say that it would not be necessary to apply for any more grants for the completion of it. With respect to Marlborough-house his hon. Friend laboured under some misapprehension. That building was undoubtedly the jointure-house of the Queen, but it did not become the property of her Majesty until a certain event took place, which he was sure the Hous and the country would not anticipate. In the mean time, that building was not of more expense to the public than the mere charge for repairing the roof and other parts of it, which they were bound to keep in repair.

Mr. *Wakley* could not help complaining that the British Museum was shut up in holiday time, when many of the labouring classes were able and anxious to visit it. It had been shut during the whole of the Whitsuntide week. He also wished to direct the attention of the Chancellor of the Exchequer to the state of the Regent's-park on Sundays. He did not object to the Zoological Gardens; on the contrary, he thought that they were of great advantage to the public; but he could not help complaining of the great collection of carriages there on a Sunday; indeed, to such an extent that it became a nuisance. [Hear, hear! from Sir *Andrew Agnew.*] He perceived the hon. Baronet, the Member for Wigtonshire in his place, but he could not agree with the hon. Baronet that the park-gates should be shut to carriages on Sundays. Yesterday the accumulation of carriages was so great, that the passage was stopped for nearly an hour, both to carriages and foot passengers. He thought that it would not be difficult to make some arrangement by which this objection could be obviated.

The *Chancellor of the Exchequer* observed, that he had always felt that it was most expedient and wise that the British Museum should be open during the holidays, and chiefly, because it enabled the junior branches of families, who were brought home for the holidays, to become acquainted with the valuable contents of that institution. It was necessary that some time should be allowed the attendants in the Museum, to clean it and to make new arrangements; but he thought other periods than the holidays should be devoted to that purpose. He would pledge himself to bring the subject under the attention of the trustees for the purpose of making an alteration. With respect to the other objection made by the hon. Member, namely, to the crowd that assembled at the Zoological Gardens on Sunday, he would only observe, that it was incidental to the anxiety of the public to visit that place, and above all, in consequence of the peculiar source of attraction at the present moment. He should be extremely sorry to close the Zoological Gardens on Sundays, as he thought that they afforded good means of relaxation and instruction. He went there very often himself on Sunday, and if he was not bettered by it, at any rate he thought that he devoted a part of the Sunday for a perfectly legitimate and proper purpose. Some alteration might, perhaps, be made with respect to arranging the carriages conveying persons to the Zoological Gardens on Sundays.

Mr. *Wakley* said, that he should not have made a single complaint on the subject if the public participated in the advantages of the Zoological Gardens on Sundays. Each proprietor had the right of admission for himself, and also the liberty of introducing two friends; these persons were generally of the higher orders, and the great bulk of the public, and more especially the poorer classes, were excluded.

Sir *Andrew Agnew* did not think that it was a proper use of the Sabbath to visit the Zoological Gardens on that day. On the contrary, he considered it a desecration of the Sabbath, and that the Zoological Gardens as well as all other places of amusement for the rich should be closed on that day.

Mr. *Ridley Colborne* begged to observe, as a trustee of the British Museum, that he entirely concurred with all that had fallen from his right hon. Friend (the Chancellor of the Exchequer) on the subject. He trusted that arrangements would be made to allow that national institution to be opened in the holidays.

Mr. *Smith O'Brien* concurred in the opinion that the British Museum should be opened to all classes on Sundays. At that place there was a much more instructive and quite as interesting an exhibition as at the Zoological Gardens. The public also had a right to have admittance there at all times, as it was national property, but they had no right to claim admission on that day to the Zoological Gardens.

Sir *Andrew Agnew* protested against making the attendants of the British Museum work on Sundays against their consciences, and trusted that such a proposition as that just made by the hon. Gentleman would never receive the sanction of the House. He hoped also that the right hon. the Chancellor of the Exchequer would re-consider the opinion which he had that night expressed with respect to visiting the Zoological Gardens on Sundays, and which he (Sir Andrew Agnew) had heard with surprise. Such an opinion was not in conformity with the religious feeling of the great body of the people.

Motion agreed to.

The sum of 25,860*l.* was then proposed to defray the charge of the new buildings at the British Museum, between April 1, 1836, and March 31, 1837.

In answer to a remark made by Mr. Hawes,

The *Chancellor of the Exchequer* said that he did not intend that this sum should be appropriated till the recommendations of the Commissioners were received. He thought that the best course would be, to leave the wishes of the public on subjects of intellectual improvement to develope themselves, and in support of that opinion he referred to the steps recently taken in several provincial towns with the view of establishing institutions for the intellectual culture of the people. The case of the British Museum was, however, an exception to all rules of that description—it was a national museum, and he thought that at least one national museum ought to be maintained at the general cost of the nation. In giving literary and scientific institutions at the public charge to provincial places, there was danger that the wants and wishes of the people would be supplied with more than they required, and, therefore, he recommended that there should be a limitation to the metropolis of grants of that nature. He desired further to state, that he intended to lay before the House a small supplementary estimate for the purpose of establishing a school of design, with a view generally to the cultivation of the popular taste, and to the practical improvement of our manufactures. He trusted, that the proposed institution would be well suited to serve as a model according to which other schools might be formed in provincial places. There would also be a supplementary estimate for two acquisitions connected with the arts which the Treasury had made for the British Museum. Of these he wished to give the present notice, that hon. Members might not be taken by surprise.

Mr. *Hume* said, that properly there should be no more money voted for the Museum until a distinct promise was made by the Government that the Museum should be placed under such improved regulations as would enable the whole public to derive advantage from it. At present the Museum was closed precisely at the hour when mechanics and others might have the chance, if it were left open, of going over it; and on the precise days, holidays, when the classes he spoke of were in a situation to devote the whole day to an examination of the Museum, on those precise days was the Museum closed. The Museum was now opened at ten and closed at four; but he could see no reason why these hours should not be altered so as to enable all classes to derive every possible advantage from an institution which they were called upon to support at so heavy an expense.

Mr. *Wakley* saw no reason why the Museum should not be opened on Sundays.

Sir *Andrew Agnew* protested against such a desecration of the Sabbath.

The *Chancellor of the Exchequer* said, he certainly thought that it was very desirable to make some changes in the present regulations of the Museum, with reference to the extension of the hours of exhibition, holidays, &c. As to the Museum being open on Sundays, his own individual opinion was not opposed to such a proposition being acted upon to a certain extent, but he did not see how that could be done without interfering with the observance of the Sabbath by the parties employed on the establishment.

Sir *Thomas Fremantle* said, however he might subject himself to the taunts of a portion of the House, he would add his protest to that of the hon. Baronet against any encouragement being given by the Legislature to such an employment of the Sabbath. If the Museum were to be opened on that day, on the same principle the Legislature would be called upon to throw open the Adelaide Gallery, or other similar exhibitions, and possibly the Theatres.

Mr. *Hume* said, the hon. Baronets were mistaken if they thought that their views upon these subjects conveyed the moral opinion of the country. As to the Adelaide Gallery, that was a trade; whereas the British Museum was an exhibition maintained at public cost, and which, therefore, ought to be open to the public upon all possible occasions. For the mechanic to spend his Sunday afternoon with his family in the Museum appeared to him (Mr. Hume) a much better disposal of his time than if he were to resort to the public house or the gin palace. If the hon. Baronet would but consent to open his mind to the plain testimony of fact, he would find that the soldier and the mechanic of Paris derived a much higher elevation of mind, and a consequent higher tone of morality, from spending their Sunday afternoon in the Louvre than from besotting themselves in a cabaret.

Sir *Thomas Fremantle* believed he was quite as open to conviction as the hon. Member, whose character in the House was precisely that of the extremest obstinacy, and an indisposition to open his mind to the opinions of others.

Mr. *Hume* had not intended to affront the hon. Baronet, but he was certainly indisposed to be dictated to by the hon. Baronet, however much the hon. Baronet might wish to force every body to be of his way of thinking. As to the hon. Baronet's charging him with obstinacy, it was quite a question whether it was his obstinacy or the right hon. Baronet's dullness which had most to do in the matter.

Vote postponed.

On the motion that 31,112*l.* be granted to defray the expense of completing the National Gallery,

Mr. *Ewart* submitted to the consideration of the Committee the propriety of not allowing the Royal Academy to occupy the wing of the new National Gallery. He objected to one-third of the building being devoted to the Royal Academy, and the reason he did so was, because it was a private institution, except so far as it had a Royal Charter. It had no right to claim a preference over other private societies, and, least of all, to have a part of a gallery which was built at the expense of the nation for national purposes.

The *Chancellor* of the *Exchequer* said, that they did nothing for the Royal Academy but give them Room for their Exhibitions. Except the occupation of the rooms at Somerset-House, they had no exclusive privileges; and be it recollected, that they were in the occupation of the rooms at the present moment. Suppose the amendment of the hon. Gentleman were adopted, what would be its effect? It would not take away from the Royal Academy the rooms they had; on the contrary, it would leave them in undisturbed possession of them. They were held under the grant of the Crown. The only question was, whether it was most for the public convenience that the Royal Academy should have a place of exhibition at Charing-cross or at Somerset-House. Now the Government thought it better to wholly appropriate Somerset-house to the business of Government, and it appeared to him to be more convenient to bring the works of art together, so that the public might have the opportunity of comparing readily the works of British art with the great productions of the ancient artists. Having seen the way in which the Royal Academy administered their funds, he must say, with reference to this question, that he believed it would be wrong in the House to withhold from the arts the very small encouragement which in this country was afforded them.

Mr. *Hume* said, he for one did not object to the Royal Academy having the room, provided it was not wanted for other purposes, but he could not but think that they had a monopoly which was injurious to the arts. They had the power of granting honours and excluding persons from participating in them, who might be fairly entitled to do so.

Mr. *Warburton* expressed it as his belief, that if it were once known that house-room was provided for the reception of works of art, donations of valuable pictures would be sent in to a very considerable extent, and thus a fine collection of pictures would be formed without its costing a shilling of the public money.

Mr. *R. Colborne* corroborated the statement of the hon. Member for Bridport, as to the effect of a national gallery being erected. He said there had been donations already sent in to the amount of 60,000*l*. His Majesty had lately presented six pictures to the Gallery.

Vote agreed to.

On the motion that 15,300*l*. be granted to restore that part of the Penitentiary at Millbank which had been destroyed by fire,

Mr. *Hume* said, he had frequently questioned the propriety of keeping up this establishment, which he considered to have completely failed in its object. He was opposed to the principal of the establishment, and thought they ought not to sanction any new disbursement for its repairs. The management of the institution was in the hands of Commissioners, who were in reality irresponsible. The place ought to be under the direction of the Secretary of State.

Mr. *Gladstone* called the attention of the hon. Member for Middlesex to the fact, that the charge was not for the repairs only, part of it was to provide accommodation for military prisoners.

Lord *J. Russell* said, it was true a portion of the expense was to adapt a building for the reception of soldiers, that they might not be kept longer in county gaols, which had been found very objectionable. Though the management of the institution was vested in Commissioners, they referred to the Secretary of State when questions arose, and the opinion he gave was generally acted upon by the Commissioners. The management of the Penitentiary was much more under the Secretary of State now than it was formerly.

Vote agreed to.

On the resolution that 7,000*l*. be granted to defray the expenses of the prison and works at Dartmoor being proposed,

Mr. *Hawes* expressed a hope that as imprisonment for debt would soon be abolished, the country would be spared a considerable expense for the maintenance of prisons. The hon. Gentleman adverted to the Report which had recently been made to Government on the state of Newgate, and said, that it reflected the greatest discredit and disgrace on the magistrates of the city, to allow that prison to remain in so shameful a condition. Indeed, he knew not, even if those magistrates were to be removed from their situations, the duties of which they so grossly neglected, that the punishment would be more than the offence deserved.

Lord *John Russell* said, that with respect to the abolition of imprisonment for debt, nobody would rejoice more than he should, if he could say, that he believed it would speedily take place; but he was afraid there was not much chance of it. Judging from what he had heard elsewhere, he was not very sanguine that there would be a speedy abolition of the existing system. With respect to the observations which the hon. Gentleman had made in reference to the state of the gaol of Newgate, he begged to say, that the inspectors had bestowed great attention in the inspection of Newgate prison, to which he had especially directed their notice immediately after their appointment. The opinion expressed by the hon. Gentleman with respect to that prison, certainly did not differ from the character given of it in the report of the inspectors. At the same time, as there was one present who, in an especial manner, represented the Corporation of the City of London, it was but fair to say, that he had lately made inquiry of the Lord Mayor as to the state of Newgate, and his Lordship had informed him (Lord John Russell) that a Committee had been appointed by the Corporation to investigate the subject. He ought also to state, that the gaoler and officers of the prison had given certain explanations to the inspectors, which they complained had not been fairly set forth by the inspectors in their Report, and which ought to be seen by the public before a final opinion was formed upon the subject. He, therefore, hoped hon. Gentlemen would suspend their judgments until they had seen the statement of the gaoler and officers, and also any report which the Committee appointed by the Corporation might make.

Vote agreed to.

On the Question, "That a sum, not exceeding 12,270*l.*, be granted to his Majesty, to make good the deficiency of the Fee Fund in the department of his Majesty's Secretary of State for the Colonies."

Mr. *William E. Gladstone* said, he wished on that occasion to notice the dismissal of Mr. Hay, and the reduction of an office which he considered equivalent in importance and efficiency to an Under-Secretaryship. Unpopular as it might be to find fault with any economical change, he did not hesitate to express his regret at that reduction; because he was convinced that if the business to be done were properly allotted in the office, there was abundant employment for three Under-Secretaries. He did not insinuate that any deficiency had been found to exist in consequence of the alteration; for he was aware of the energy of his hon. Friend opposite, and of the remarkable talents, and still more remarkable industry of Mr. Stephen, who had been advanced to the post lately occupied by Mr. Hay. But the arrangements of every office ought to be calculated with reference to average abilities, and if they were to be governed by reference to the extraordinary resources of Mr. Stephen, the reduction might have been carried still further, and perhaps the salary of the Chief Secretary himself saved to the public. At the time of Mr. Hay's dismissal, *The Globe* newspaper stated 1,000*l.* a-year had been saved to the public by the new arrangement, and that Mr. Hay had retired upon a pension secured to him by the late Government, the Government of Sir Robert Peel. He was not precisely cognizant of the pecuniary state of the question, and the words of the present vote did not enable him to ascertain it; but before the change, he believed, the expenses were—Mr. Lack's salary at the Board of Trade, 1,500*l.*; Mr. Hay's, at the Colonial Office, 2,000*l.*; Mr. Stephen's, at the Colonial Office and Board of Trade, 1,500*l.*; in all 5,000*l.* Now, the salary of Mr. Lack's successor, M. Le Marchant, was 1,500*l.*; the retiring pension of Mr. Lack, 1,500*l.*; Mr. Stephen's salary, 1,500*l.*; Mr. Hay's pension, 1,000*l.*; total 5,500*l.*; so that the public, instead of gaining 1,000*l.*, appeared to lose 500*l.* annually. Mr. Hay, a gentleman in the prime of life, was here represented as retiring upon his pension, and thus entailing a charge on the public; whereas, in fact, his removal would be more correctly described by any other name, and was an absolute dismissal. The public then paid 500*l.* a-year, and lost the services of an officer, against whose efficiency no charge whatever had been advanced. As Mr. Stephen offered to go to the Board of Trade, it was perfectly competent to the Government, supposing them to prefer considerations of economy before everything else, to have continued Mr. Hay in his office, and appointed a successor to Mr. Stephen in the Colonial Office.

Sir *George Grey* said, Mr. Hay was requested to retire because the duty could be done without him. The establishment was too large with three Under-Secretaries, the removal caused a reduction of 1,000*l.* a-year, and it was unjust to state, that there had been no saving effected in the Colonial Department.

Mr. *Poulett Thomson* wished to state, that Mr. Lack had served thirty years and had a right to retire. It was his duty to inquire how the business of his office might be best carried on. Mr. Lack, in consequence of an increase of duty, found it impossible to render those services at the Board of Trade, which he was anxious to render. It was thought proper therefore to unite the office held by Mr. Stephen with that held by Mr. Lack, which effected a saving to the public of 500*l.* a-year.

Sir *Thomas Fremantle* thought, that the public had lost an efficient officer in Mr. Hay, and had to sustain an increased charge; there had been a saving in the Colonial Department to the amount of 400*l.*, but the expense of the whole establishment, including the Board of Trade and Privy Council, was 2,500*l.* more than the estimates of the last year.

Mr. *Poulett Thomson* was surprised at the observation which had fallen from the right hon. Baronet, because, from the official station he had held, he might have known the reason why there appeared to be an increased charge for the office of President of the Board of Trade. The Treasurership of the Navy which was held in connexion with it, had been removed, and the 2,000*l.* salary which was formerly charged upon another item, now appeared as an increase of the expense of that office, so that there was no real increase, but there had been a decrease of expenses in the Colonial Department.

Sir *Thomas Fremantle:* There was nothing on the face of these accounts to show that an item was charged here which did not appear in the Estimates of the last year. He was, however, satisfied with the explanation of the right hon. Gentleman.

Mr. *Hume:* The hon. Member for Newark complained of the dismissal of Mr. Hay. The ground-work of the dismissal of this gentleman was laid by the Government of the right hon. Baronet, the Member for Tamworth, who gave him the power of retiring whenever he pleased; which was as much as to say, "We will provide for our own friend." Having been made independent by the Government who appointed him, it was highly proper that the succeeding Government should dismiss him.

Mr. *Goulburn.* The argument of the hon. Member for Middlesex was, that because Mr. Hay was rendered independent, he was, therefore, unable to discharge his duty; but he had not heard that Mr. Hay ever violated his duty. Whether dependent, or independent, he would always discharge his duty honourably and faithfully, to the utmost extent of his ability. Mr. Hay accepted office on the express condition that he should receive the pension—the bestowing of which the hon. Member for Middlesex condemned; but it did not at all follow, that, having secured this point, he should retire from office for the purpose of enjoying it. If such had been his intention, he might have quitted office before his removal from it; but he preferred rendering his services to his country for the money he received.

Mr. *Francis Baring* said, that there was a certain class of officers of the State not politically connected with the Government for the time being, but whose situations were permanent, and who stayed in office during changes in the Administration; and to them the Superannuation Act granted retiring allowances when their services were closed. There was another class of officers politically connected with the Ministry by whom they were appointed; they came into office with them, and with them they went out; for these the House of Commons had thought proper to provide pensions, not suffering them to depend upon the will of their opponents, without which security, perhaps, few or no efficient men could be found ready to take such office. Of the former class was Mr. Hay, and he was surprised Mr. Hay did not apply for his superannuation if he wished to retire from office.

Vote agreed to.

On the Question, that 15,600*l.* be granted to defray the charges of the Penitentiary at Millbank for the year,

The *Lord Mayor* took this opportunity of replying to some observations which had been made when he was not in his place, finding fault with the conduct of the Magistrates of the city of London, in respect to the gaol of Newgate. He had to complain more especially of the course pursued by the Prison Inspectors, both in the manner they had proceeded in their inquiries, and in the Report they had made on the subject, and which he declared had been got up entirely upon ex-parte statements. For himself, he begged to state, that when the Prison Inspectors entered upon their duties he (the Lord Mayor) told them that he should always be ready to give them every assistance or information in his power, but that he had never been applied to by them until the business of inquiry was nearly brought to a close; and when he took the opportunity of putting two questions, and two questions only, to Mr. Cope, the Governor of Newgate, which, with their answers, he would state to the House. The first question was, as to the nature and mode of the evidence taken by the Inspectors, in reply to which Mr. Cope stated the circumstance, that when he was asked by the Inspectors whether he took care to visit the prison every twenty-four hours, he replied, "I cannot, for these reasons;" upon which the Inspectors interrupted him, observing, "We don't want to hear your reasons; you have answered our question, and that is sufficient for our purpose." Now he put it to the House, whether this was a fair way of taking evidence on a great public question. The next question which he caused to be put to Mr. Cope was, "Have you any means of ascertaining, or any sort of record of the names of the prisoners who in the Report are designated as A, B, C, D, &c., &c." To which Mr. Cope replied, that he had no authentic information by which to individualize them all, but he believed that every one of them were then on their way to Botany Bay. He (the Lord Mayor) hoped that there would be a rigid inquiry into the circumstances connected with this Report, and that the Prison Inspectors should be in attendance at the inquiry; and he would ask the country to suspend their judgment upon the subject till the result of that inquiry was known. With respect to the management of the prison of Newgate, he would ask the noble Lord, the Secretary of State for the Home Department, whether the case of that gaol was one which could be taken in comparison with any other prison in the kingdom? Newgate was almost entirely a prison of transit; in other gaols there were only two gaol deliveries in the year; in Newgate there were twelve. This was in consequence of the vast number of charges for the county of Middlesex, which were received into Newgate, and which the city authorities would gladly rid themselves of if they could. The prisoners from the city of London would scarcely amount to two or three hundred in the year, but by the addition of the Middlesex county cases, the number of prisoners was increased to 3,000. These prisoners passed through so rapidly, being received into the walls on a Thursday perhaps, and tried on Friday, that it became impossible to observe any of those regulations for the classification and discipline of the prisoners which might be practised with advantage in other gaols.

Lord *John Russell* had no hesitation in concurring in the observation made by the Lord Mayor, that the gaol of Newgate was of that peculiar character which rendered it a matter of very great difficulty to enforce within it any system of prison discipline. With respect to the Prison Inspectors, he was inclined to believe that if they had fallen into any error on the subject it was not with the intention of misrepresenting the facts which had become known to them.

Resolution agreed to.

The House resumed.

HOUSE OF LORDS,

Tuesday, May 31, 1836.

MINUTES.] Bills. Read a third time:—Seamen's Fund (Shetland).

Petitions presented. By Lord HOLLAND, from Liverpool, and by the Earl of BURLINGTON, from Coventry, for an Amendment of the Municipal Corporation Act; by the Earl of WICKLOW, from Wicklow, for a Measure to enforce the Observation of the Sabbath.

ABOLITION OF SLAVERY, JAMAICA.] Lord *Glenelg*, in moving that the Bill be committed, said, that it was "a Bill to revive and continue in force until the 1st of August, 1840, an Act passed by the Legislature of Jamaica on the 4th of July, 1834, to explain and amend an Act for the Abolition of Slavery in that island," and begged leave shortly to state the circumstances under which it was proposed to their Lordships. According to the late Abolition Act it was necessary that a supplementary measure, for the purpose of carrying the provisions of that Act into effect, should be passed by the Legislature of each colony, and afterwards the King in Council was to declare whether such supplementary Act, agreed to by the colonial Legislature, was sufficient to enable the individuals possessing slaves to claim a share of the compensation awarded by Parliament. The Legislature of Jamaica had immediately applied itself to frame a local Act of that description. In 1833 that Act was passed, which extended to 1834. The Government thought it necessary to recommend to his Majesty that he should approve of that Act; but Lord Stanley, in communicating that decision to the local Government, pointed out some clauses in the measure which required alteration, the consequence of which was, that an Act was passed in 1834 for altering the preceding measure. When that Bill was sent over, his noble Friend opposite (the Earl of Aberdeen), in a letter addressed to the proper authority, stated, that he should feel great pleasure in advising his Majesty to approve of the Act framed in compliance with the advice of Lord Stanley; but his noble Friend observed, in the same despatch, that there was one serious objection to the measure, not to any part of it connected with the advice of Lord Stanley, but with reference to the duration of the Act. The new measure, he observed, would be nugatory, unless it was of the same duration as the act to which his Majesty had given his assent. In the autumn of last year the attention of the Legislative Assembly was called to the renewing of this Act. The Legislative Assembly considered the subject, and in January last sent up a measure to the Council. This latter body introduced amendments to which the Legislative Assembly were not disposed to agree; and ultimately, while the Bill was lying on the table, a prorogation of the Assembly took place. The result was, that the Bill was lost. In consequence, therefore, of the non-existence of an Act for carrying into effect the measure of abolition, it was necessary to apply to Parliament to sanction the present measure for reviving and continuing in force, for a given time, the Colonial Act of 1834. He agreed in the propriety of this step, because such a measure was manifestly as necessary in 1836 as in 1834. As matters now stood, those who were most interested in carrying into effect the Abolition Act were deprived of that protection which it was the intention of the Legislature to extend to them. The alternative was, either for the Imperial Parliament to interfere, or to leave it to the chance of the local Legislature taking up the subject at a future time. The present measure was connected with nothing criminatory; it merely went to give life to what the House of Assembly had formerly done, and he lamented that any amendments should have been proposed to which that body could not assent. Having thus incidentally adverted to circumstances with which the noble Lord, the governor of the colony, was connected, he should take that opportunity of offering to that noble Lord his meed of praise for the zeal, vigilance, and ability which he had constantly displayed, and for the anxious desire which he had ever manifested to promote good government since he first took charge of the colony. As to their right to interfere, the conduct of Parliament had completely decided that question. It was left to the colonial Legislature to adopt those measures which were best calculated to carry the intentions of Parliament into effect; but if anything occurred which tended to impede the accomplishment of those intentions, then it became the duty of the Legislature to apply a remedy. When the abolition of slavery was decided on, they entered into very serious obligations, moral obligations, as binding as any legal obligations which could be conceived. The object of which was, to do justice to those to whom they were anxious to grant their freedom, but to whom they said, "As you are not yet prepared to enjoy that freedom, you must remain for a certain time in a state of probation — the Government here, and the government of the colonies, taking care that your interests shall be carefully consulted." For agreeing to adopt this course, the colonists had received a large compensation, and those who had entered into this arrangement on behalf of the negro population were called on to support that population, which had a right to demand the protection, when it was needed, of the British Legislature. With respect to the contract which had been entered into, the British Government had done its part —those who were emancipated were anxious to do their part, and the local Legislature was ready to do its part; but, owing to the circumstances which he had stated, a part of the protection which the negro population had a right to claim was taken from them. Now, he contended that they were bound, during the period in which they refused the negroes their full rights —rights which they admitted those people ought to possess—to take every necessary step for their ultimate emancipation, and do their utmost to accelerate it. Those Gentlemen in the other House of Parliament who were interested in this question had, highly to their honour, not only acquiesced in the propriety of the present Bill, but they had assisted in carrying it. They conceived the present to be a case which called for the intervention of the British Parliament, and they cheerfully acceded to the Bill.

The Earl of *Aberdeen* looked upon the measure not only as desirable, but as necessary. Unless the duration of the last Act extended to the same period as the Bill which it was framed to amend, it would be inefficacious. At the same time it must be observed, that by passing this Bill, they were violating the independence of the colonial Legislature. They were giving existence to a measure which the colonial Legislature declared to have ceased. That, however, was owing to the unfortunate disputes that had arisen between the Executive and the Legislative Assembly. If those disputes had not occurred—if other measures had been pursued—they would not now be under the necessity of resorting to such a measure; and it was much to be lamented that they should be driven to their present position, when it might have been avoided without any great difficulty.

The Bill went through a Committee.

SEE OF DURHAM.] The Marquess of *Londonderry* said, he had a variety of petitions to present with reference to the Bill relative to the Bishopric of Durham, which stood for a second reading that evening. Looking to the petitions on this subject which he had already presented, as well as to those which had been laid before the House by the noble Duke opposite (Cleveland), and, lastly, the petition from the archdeacon and clergy of the diocese, which had been laid on the Table by a right reverend Prelate on the preceding evening, he believed he might fairly say that there was not one part of the country which had not come forward to express its sentiments as to the probable effect of this measure. It was not his intention to state the contents of these petitions in detail, nor to enter into any argument on the general question; he should reserve his observations for the proper occasion. He should now move, that the first petition which he was about to present should be read at their Lordships' Table—the prayer of the others was pretty nearly the same. The first petition was from the City of Durham and its vicinity, and was very numerously and respectably signed.

The petition was read at length by the clerk. The petitioners stated, that they had seen with unfeigned alarm a measure recently introduced into Parliament on the subject of the see of Durham, and they particularly objected to those parts of it which put an end to the local jurisdiction, and which provided that a portion of the revenues of that see should be appropriated, not to the benefit of its inhabitants, but for the benefit of the country at large.

Lord *Lyndhurst* wished to know what reason could be assigned for abolishing the Durham Court of Common Pleas? He had never heard any complaint against that court; on the contrary, he understood that it was a great benefit to the country. Justice was adminstered there, he believed, both speedily and cheaply.

The Duke of *Cleveland* presented a petition against certain parts of the Bill from Sheldon, in the county of Durham. The petitions which the noble Marquess had presented, appeared generally to be of a twofold character, one part relating to the separation of the jurisdiction, and the other to the appropriation of the revenues of the see. Now, the Bill before the House had reference solely to the former point.

The Marquess of *Londonderry* differed entirely from the noble Duke, when he asserted that this Bill only referred to the separation of the palatine jurisdiction, and the abolition of certain courts. If the noble Duke would look at the last two clauses, he would find that they related, in an especial degree, to the ecclesiastical revenues. By the last clause it was provided that the revenues should be placed, for three years, at the disposal of Parliament; and they all knew that the Ecclesiastical Report directed that surplus revenues of sees should be disposed of in a certain mode and manner. Now, seeing that provision, he felt that if he allowed this Bill to pass without animadversion, it might hereafter be said to him, "Why, you presented your petitions, and said nothing upon this point. Why did you not make your stand when the principle of the Bill was stated? Why did you not then raise your objection? You did not do so, and you are now too late. You are shut out, for you have already admitted these revenues shall be placed for three years under the control of Parliament. The time is, therefore, past for you to offer your objection." The Bill, he contended, went to effect such an entire change of principle with reference to the appropriation of ecclesiastical revenue, it introduced a system so entirely different from, and opposed to, any system that was ever known in any part of the kingdom with respect to that revenue, that he felt imperatively called on to oppose it. The petitions which had been presented from the county and from the clergy of the diocese, who well knew what the situation of the diocese was, and how much it stood in need of spiritual aid, demanded the serious attention of their Lordships. When he showed, from letters which he had received, what the present state of the diocese was, and what would be its situation if 40,000*l*. a-year was abstracted from its revenues by the passing of this Bill, which had gone through the other House of Parliament without notice, he thought noble Lords would feel that he was justified in opposing the measure. The duty of advocating the cause of the county was thrown upon him, and it was impossible for him to suffer it to proceed through a single stage without calling their Lordships' attention to the petitions which had been intrusted to him, and endeavouring to open their eyes to the cruel, the unparalleled, situation in which the county would be placed if this Bill succeeded. In an interview which he had with a noble Earl opposite, that noble Earl had expressed an opinion, that the present was not the most proper time for him to state his objections. But the case was of such vital importance, that he felt it would be wrong if he lost any opportunity of recording his sentiments. With respect to the assertion of the noble Duke, the two last clauses of the Bill completely negatived it. Indeed, it was most extraordinary, if he had read those clauses, that the noble Duke should have arrived at such a conclusion. But, perhaps, he was looking to the new patronage which he would derive under the Bill, and being so absorbed and lost in its contemplation, though the noble Duke had read the clauses, he did not understand them. He knew that the first clause merely went "to put an end to the separate palatine jurisdiction of the county palatine of Durham." It said not a word about the revenues. But the 29th and 30th Clauses did relate to the revenues. They were to be placed for three years under the authority of Parliament, and were to be subjected to any law which Parliament chose to adopt. It was perfectly clear, when they looked at these clauses, that it was impossible for any person to say that this Bill did not relate to the ecclesiastical revenues of the See. Now, he would ask, was it wise, prudent, just or fair, to agree to such an arrangement. In taking this course he felt himself placed in a disagreeable situation; but many petitions had been placed in his hands, and he would do his utmost to support their prayer. He certainly should move his amendment as applicable to the whole Bill—namely, that all matters connected with the See should be referred to the consideration of a select committee. He must say, that the proceedings of the Ecclesiastical Commission, composed as it was of men of great talents and ability, did not satisfy him. Their inquiry was not conducted with that degree of circumspection and patient investigation of detail which ought to have distinguished it before such a Radical alteration was recommended as that which was now proposed. If the noble Duke really was anxious for the prosperity of the county of Durham, and was desirous that it should have the advantage of extended spiritual aid, he would not afford his support and assistance to this measure.

The Duke of *Cleveland* said, that he was deeply interested in the welfare of the county of Durham, of which he had been Lord-Lieutenant since 1792. He was rejoiced that the noble Marquess, who had of late years become connected with the county—a connexion by which he had so much benefited—should be so anxious to secure its prosperity.

Earl *Grey* said, the noble Marquess had been pleased to allude to him with reference to a recent application that had been made to him on this subject. He did not mean to complain of the circumstance, as the noble Marquess had certainly a right, if he thought fit, to notice it. He (Earl Grey) did not know of any objection to the proposed measure with respect to the alteration of the jurisdiction; and all he had ventured to suggest, on the occasion alluded to, was that the mode proposed by the noble Marquess did not appear to him to be the most proper one for bringing forward the objections which he entertained, which objections related to the alienation of a considerable portion of the revenues of the See of Durham from that See. Now, the present Bill related to the separation of the palatine jurisdiction of the county palatine of Durham, and, in his opinion, none of the objections which the noble Marquess had advanced, respecting the situation of the clergy, the injustice done to the inhabitants of the See of Durham, by using a portion of the revenues belonging to the See for the instruction generally of the people in other parts of the kingdom, applied to any part of this Bill, which merely went to separate the palatine jurisdiction from the authority of the Bishop. Hereafter they would have to consider in committee how far it would be right to separate that palatine jurisdiction, and whether it would be proper that any of those courts should be preserved. With respect to one of them, the Court of Common Pleas, he understood that a noble and learned Lord (Lyndhurst) opposite objected to its abolition. Knowing the great inconvenience which arose from the delay that often took place when subjects were irrelevantly introduced, he had suggested to the noble Marquess to postpone his opposition relative to the revenues of the See until the proper occasion arose, when that question was brought regularly before them. The noble Marquess had, however, argued, that the two last clauses —29 and 30—raised the question. The first of the clauses to which the noble Marquess objected contained a reservation to the Bishop of all the profits of the See, and though the last clause contained provisions reserving the right to Parliament, within three years, to regulate the revenues of the diocese of Durham, yet it did not state the manner in which they were so to be regulated. It, therefore, did not raise the question of the application, or proposed application, of those revenues; and he repeated, that all it did was to reserve to both Houses of Parliament the power of regulating the bishopric, notwithstanding the appointment of the Bishop. He believed that such a reservation had been thought necessary, because many persons held it to be necessary that some Parliamentary regulation should take place in respect to the great revenues of the diocese of Durham. The noble Marquess had spoken as if the full enjoyment of the whole revenues of the See was given for three years certain. That period, he (Earl Grey) begged to say, was merely nominal; and as a proof that it was so, he believed there was a Bill now before the other House for the regulation of those revenues, which Bill would shortly be submitted to their Lordships' consideration. Under such circumstances, he must repeat, that he could not but think the objections raised to this Bill by the noble Marquess opposite were ill-timed: his arguments had reference to matters which the Bill now on the Table did not contain, and were, therefore, inapplicable to it. He hoped the noble Marquess would defer his objections until a more fitting opportunity. The present Bill was preliminary to a measure for the regulation of the revenues of the See of Durham; and he was anxious that it should pass as early as possible, because until it was law the confirmation of the appointment of the Bishop could not take place.

The *Marquess of Londonderry* put it to the noble Earl who had just sat down, whether he did not know, from the Reports now on the table, that it was contemplated to apply the revenues of the See of Durham to other than ecclesiastical purposes? The noble Earl was wrong in supposing that he (the Marquess of Londonderry) objected to this proposition only; on the contrary, he objected also to the proposed alteration in the courts of county palatine. With respect to those courts, he was not giving his own individual opinion of them when he said they were extremely beneficial to the interests of the whole county of Durham, in respect to the speedy administration of justice. He stood there the advocate for the whole county, protesting against the alteration; and though he might not perhaps be sufficiently instructed, yet he had the opinion of every solicitor in the county against the propriety of the proposed change, except the solicitor employed there by the Government. Those individuals entreated that House to consider whether there existed any necessity or expediency in carrying forward a measure which would be attended with the greatest disadvantage to the interests of the county at large. To the two last clauses of the Bill he must still object, for, like his Majesty's Government, the sting was in the tail.

Earl *Grey* observed, that if the objection of the noble Marquess was confined, as he (Earl Grey) submitted it really was, to the removal of the palatine courts, that was a question for the Committee, and not to be discussed on the second reading.

The *Archbishop of Canterbury* observed, that the objections of the noble Marquess opposite embraced two points wholly distinct and separate. The object of the present Bill had been most accurately and properly stated by the noble Earl near him (Earl Grey), and that object was the separation of the palatine courts from the jurisdiction of the bishop of the diocese. These provisions might be wrong or right in their general principles—he would not pretend to judge upon the question; those acquainted with the county itself and the most proper mode for the administration of the laws were the most competent to deal with the details of those provisions. Of course, the noble Marquess had a right to object to them and to the Bill generally, but it was extremely inconvenient that he should, in a discussion of a bill referring to the palatine courts, mix up that matter with the other point of objection—namely, to the application of the revenues of the See, even though the present Bill contained some allusion to them in the last clause. On this point it was scarcely necessary that he should say anything, after what had fallen from the noble Earl near him (Earl Grey.) He, however, would state, that as he apprehended every person who held property of this description enjoyed it under the permission of the Legislature, therefore he had not felt certain that the last clause of the Bill was at all necessary. It was, however, introduced, because it was held by authorities more competent than himself to judge of the matter—the law-officers of the Crown—that such a clause was unquestionably necessary. Still, he must observe that the clause as it stood did not at all raise the question of appropriation generally. The noble Marquess had also stated with great energy, but at the same time with his usual good temper, that immense mischiefs would follow the adoption by the Legislature of the recommendations of the Ecclesiastical Commissioners. He (the Archbishop of Canterbury) did not apprehend any such consequences as the noble Marquess had suggested as likely to arise, and as for the Ecclesiastical Commissioners, he must say, that he did not believe any one of them contemplated such results as the noble Marquess had anticipated from the adoption of the recommendations contained in their Report. There was another point to which he must also refer. The noble Marquess had imputed to the Commissioners a want of that due and diligent inquiry, and investigation of the circumstances which were absolutely essential to the proper discharge of their important trust. He (the Archbishop of Canterbury) must be permitted to say, that the noble Marquess could form no judgment on this matter of fact. The noble Marquess could not know in what manner the Commissioners had been employed, or the means they had taken to acquire information. He could not know the communications they had received—the full accounts of the revenues of the diocese of Durham which had been submitted to them; neither was he aware of the labours which day after day were devoted by the Commissioners to the inquiry placed under their management. It was after the fullest examination that the recommendation was added to the Report of the Commissioners, and he admitted, that the changes so recommended deserved and demanded the serious consideration of Parliament. While he admitted this, he must add that the noble Marquess had no right to impugn the mode in which the inquiry had been conducted by the Commissioners. For himself, he would also say, that he would not have been a party to the recommendations contained in the Report, if he could have thought the carrying them into effect would have conduced, or been calculated, to subvert the efficiency or the safety of the Church. Whatever might be his own opinion on the other point of objection raised by the noble Marquess, he felt that nothing could be more inconvenient than on this occasion to mix up the two questions together, and he therefore humbly submitted to the noble Marquess the expediency of now withdrawing his opposition, and of reserving it until the other Bill came regularly under the consideration of the House.

The Order of the Day for the second reading of the Bishopric of Durham Bill was read, on the motion of the Marquess of Lansdowne.

The Marquess of *Lansdowne* said, that in moving the second reading of this Bill, the debate which had already, though irregularly taken place, relieved him from the necessity of saying more than a very few words in explanation of the expediency of now proceeding to the second reading of the Bill. He was relieved from the necessity of long trespassing on the attention of the House, because his noble Friend, not now in his place, but who had spoken on this question with the weight which at all times belonged to him, had so fully stated the objects of the measure, and because the most rev. Prelate had so fully explained his views of the propositions contained in this Bill. He (the Marquess of Lansdowne) had therefore only to state his confirmation of what had fallen from the noble Earl and the most rev. Prelate. Although as a member of his Majesty's Government, and also one of the Ecclesiastical Commissioners, he was prepared to defend those propositions contained in the Reports now on their Lordships' table, and contemplating a great alteration in the revenues of the See of Durham, and although he was also prepared to suggest the importance of carrying out those principles also recommended in the Reports with regard to the state of the other different episcopal sees in the kingdom, he was not at present bound to ask the concurrence of their Lordships in the whole of those recommendations, because their Lordships would find that from this Bill the latter part of the proposed arrangements had been most carefully excluded. In fact, that arrangement to which the noble Marquess opposite least objected, was the only one sought to be effected by this measure. The present Bill was strictly limited to the object of enabling the change recommended with regard to the county palatine courts to be effected. In this respect their Lordships were only called upon to deal with the county of Durham in the same way as both Houses of Parliament had already dealt with other similar jurisdictions, and to assimilate the administration of the law throughout the whole of the United Kingdom, and at the same time to relieve and exonerate future Bishops of the diocese from the exercise of functions which, if not incompatible with an office of a religious and episcopal nature, at least interfered with the time for devotional and other duties annexed to the sacred character. It was for the purpose of placing the future Bishops of the diocese of Durham in the same position as other diocesans, and to guard them from being prevented from exercising the high duties committed to their charge, that the Bill had been introduced. The noble Marquess opposite had stated his objections to the Bill, and in the conversation which had already taken place had anticipated his arguments against the measure. The noble Marquess objected to the two last clauses. By those clauses, however, it was simply proposed, not that any change should take place—not describing what that change should be, but to leave it within the power of Parliament—unfettered by any of those scruples which otherwise might prevail, and which did exist, with regard to alterations in the condition of any description of property, to deal with the revenues of that See at any time within the space of three years. It might not be that Parliament would so interfere; but still, however, the power was reserved to the Parliament to do so, and considering the recommendations contained in the Report of the Ecclesiastical Commissioners were the result of inquiries instituted under the sanction of his Majesty's Commission, he thought their Lordships would hardly so prematurely condemn those suggestions as voluntarily to preclude themselves from dealing with those revenues or carrying those suggestions and recommendations into effect. It had been truly stated, that a Bill for that object was already contemplated; but it would be time enough when submitted to their Lordships for them to say whether they would concur in the expediency of those suggestions which had for their object, not the abstraction from the county of Durham of the whole of the revenues heretofore enjoyed by the Bishop, but after first securing to future Bishops that sum which might be thought necessary for the purpose of maintaining them in that splendor and rank which belonged to their high station, to employ the remainder for the benefit of the clergy of the diocese, the maintenance of the college, to which the late Bishop of Durham gave so liberal and generous a support, in that pre-eminence and utility which had already been found to belong to its existence, and to other purposes connected with the county itself. This "abstraction of the revenues" (as the noble Marquess had termed it, but which he would designate as an "improved application" of them) was, however, not the question immediately before the House. The question was, whether their Lordships would proceed with this Bill, in order to enable such an arrangement to be made with respect to the county palatine courts as would make the practice of that county conformable to the general system of administration of the laws of the country. The noble and learned Lord opposite (Lord Lyndhurst) had communicated to him that the Court of Common Pleas in Durham stood on a different footing from the rest of the courts, and that its continuance might be found advantageous to the inhabitants of the town of Durham. [Lord *Lyndhurst:* To the whole county of Durham.] To the whole county, perhaps. But the propriety of the maintenance of that Court was a question which would properly be open for discussion when the Bill was in Committee. He had the satisfaction of proposing this Bill with the entire concurrence of the right rev. Prelate lately appointed to that See. The noble Marquess concluded by moving the second reading of the Bill.

Lord *Lyndhurst* concurred with the noble Marquess who had just sat down, that the question as to the propriety, or otherwise, of maintaining the Court of Common Pleas, was proper for discussion in Committee on the Bill. He should, in that stage, move the exemption of that Court from the provisions of this Bill, if, on consideration, he found he could do so without contravening the other parts of the measure. When the noble Marquess, however, said, that the Bill was to assimilate the administration of justice, he ought to recollect that in the case of the County Palatine of Lancaster the Common Pleas Court had been excluded from a Bill similar to that now before the House.

The Marquess of *Londonderry* said, that as there appeared to be a general impression that the measure merely related to the alteration of the county courts, and that it in no way gave rise to the question of appropriation, he should not persevere in his opposition to the second reading. To prove, however, that it was the opinion of the great body of the inhabitants of the county of Durham that the measure was calculated to affect the revenues of the see of Durham, he should take the liberty of reading to their Lordships some letters he had received from individuals of some importance in that district. The noble Marquess read the following letters :—

"Vicarage, Pittington, May 28, 1836.

"MY LORD—Although personally unknown to your Lordship, I take the liberty of addressing you, on account of the extensive interest which you have in my parish, and the view which it appears your Lordship takes of the measures introduced into Parliament in accordance with the recommendation of the Church Commissioners.

"I forwarded some time ago a memorial to Lord Melbourne on the subject, which had received 1,000 signatures in my parish, but of which the receipt has never been acknowledged; and in consequence of this want of official courtesy, proving that little or no attention was given to the memorial, I would now have sent a petition, having double the number of names, with a request that your Lordship would present it, had there been time to get it prepared.

"Your Lordship has, no doubt, perceived that the Reports of the Commissioners furnish sufficient evidence that much labour has been bestowed, and little information sought for or obtained. In fact, a great portion of the third Report consists of corrections of the two former; and if a fourth were to make its appearance, after practical men having local information had been examined, I am quite sure that much would yet be found to need correction.

"The recommendations of the Church Commissioners, and any measure founded upon them, which would sanction the alienation of a portion of the ecclesiastical revenues from this diocese, is a virtual subversion of the general principles on which property is held, and of the intentions with which clerical wealth was given or acquired; and are quite as unreasonable as a proposal from the agricultural societies of Darlington and Morpeth would be to relieve the suffering farmers of Durham and Northumberland by the imposition of a district land-tax upon the equally distressed counties of Kent and Essex. And the worst part of the measure is, that the proposed alienation would be, in a great measure, made for purposes which are absolutely unnecessary. For if Richmond and the adjoining eastern part of Yorkshire were annexed to the see of Durham, the Bishop would still have less than an average number of clergy, and the remotest parish so annexed would be twenty miles nearer to the city of Durham than some of the parishes of Northumberland are, which already belong to this diocese. If, again, the bishopric of Carlisle were enlarged, so as to include the whole of Westmoreland and part of Lancashire, that diocese would not after all be of great extent, and thus, by means of these natural arrangements alone, no new bishopric would be required, except for the purpose of patronage. The Commissioners have manifestly attended only to the amount of population, without paying at the same time due regard to superficial extent; whereas, the true way of estimating the relative amounts of the duties of any two incumbents, is not to consider them as standing to each other in the ratio of the respective populations, but rather in a ratio compounded of the ratios of the respective populations and of the superficial extents; and so also with respect to the relative duties of any two Bishops, only substituting in this case incumbents for populations. The calculations of the Commissioners, therefore, which led to the recommendation of two new bishoprics, did not proceed upon legitimate principles.

"But, whatever be the wants elsewhere, surely those within the diocese have the best title to be supplied. The 45th Clause of the Commissioners' third Report provides for those cases in which the Bishop had given or promised to give augmentations; but this is doing very little. In almost all these instances the Bishop is patron; but there is a multitude of other parishes (in some of which the Bishop holds property) which stand equally in need of augmentation and the means of religious instruction. I give my own case as an example. About 5,000 acres of the parish of Pittington are the property of the Bishop and Dean and Chapter of Durham, and extend over the most valuable coal-field in England. Until the year 1827 the amount of population connected with this clerical property was only 500; it is now about 6,000, and is rapidly increasing; the parish is of considerable superficial extent. A division of it, by the formation of a chapelry, is most desirable and was agreed to by the Bishop of Durham; but matters had not proceeded so far as to involve any such promise as would bring the case within the 45th Clause. A chapel must be built and endowed; the church ought to be enlarged, and at least two schools established on an extended scale; and surely it would be an act of extreme injustice if the wants of such a population, by whose labour upwards of 200,000*l.* (and when carried to London 500,000*l.*) worth of coal and surface produced is brought annually to a marketable state, were not amply provided for, both as regards religious and moral instruction, before any portion whatever of that wealth be applied to purposes elsewhere. The case of Pittington is the case, *mutatis mutandis,* of many other parishes in this diocese. In fact, no measure can pass for the application of any portion of the clerical wealth lying within this diocese (unless a previous inquiry be made into the extent of local wants, with a view to their supply) without being attended with much serious injury.

" I do not know whether any part of this letter will be of any use to your Lordship, but I thought it possible that the case of Pittington might suit your Lordship's views as a specimen of our local wants. Your Lordship has much to forgive, for I have both taken a great liberty, and troubled your Lordship with a letter of unreasonable length.

" I have the honour to be, my Lord,
" Your Lordship's most obedient and humble Servant,
" J. Miller."

" South Shields, May 10, 1836.

" My Lord — The following particulars may afford sufficient data to point out the loss that will be sustained by the abstraction of the episcopal and chapter revenues from this diocese, without first making a due inquiry and suitable ecclesiastical provision for the diocese itself. I should think the Bishop distributed, in one shape or other, on an average during the time he held the See, at least 6,000*l.* or 7,000*l.* a-year in the diocese. Last year, it has been publicly stated, that he gave 13,000*l.*, and, in the year 1831, his late secretary, Mr. Faher, told me, that out of an income of 15,000*l.* the produce of the see that year, the Bishop gave 4,000*l.* to various charities.

" His charities flowed in every channel that was opened of a benevolent description; but I will endeavour to bring them under a few specific heads.

" 1. As regards churches.

" He augmented small livings and endowed nine churches in the gift of the see by alienating episcopal property to the amount of about 1,000*l.* annually; and he had plans in contemplation, and some in actual preparation, by which he purposed alienating an annual sum of 1,200*l.* more for the same object. These latter plans were not completed before his death, and consequently remain in the same state. Besides this he was in the habit of paying the whole or a portion of the salaries of curates in populous parishes, where the emoluments of the livings were too small to meet such expenses. At Hartlepool, he paid the salary of the curate 75*l.*; at Barnard Castle, he gave the same sum, to which some addition was made by the inhabitants. In the former case the curate is necessarily discontinued, and in the latter it is doubtful; but in all probability it will terminate in the same way, I mention these two places as being well known to me, but the Bishop aided other poor incumbences in the same way. He was also in the habit of making provision for poor livings in case of the incumbents being rendered unable to take the duty of their parishes from sickness or infirmity, so that it had indirectly the effect of augmentation. He was always ready to subscribe liberally towards the erection of churches, and not unfrequently made up deficiencies in the funds when most other sources had been exhausted, and when without such additional aid the erection of churches would have been very much impeded, if not prevented.

" 2. He was also equally benevolent in affording aid towards the erection of schools for the education of the poorer classes; and, when erected, he frequently became an annual subscriber towards their support. It is impossible to say to what extent his charities extended in this respect; but I may say, that few schools were built in the diocese without application being made to the Bishop for support, and I believe he rarely refused such applications.

" 3. He gave 2,000*l.* annually to the Durham University, towards the current expenses of that establishment.

" 4. He was also a liberal contributor to our Church-Building Society, the District Committees of the Christian Knowledge Society, and every other ecclesiastical charity in the diocese.

" 5. He gave largely towards the support of the widows and orphans of clergymen left in distress, or with very limited incomes—to our infirmaries, dispensaries, indigent sick societies, and other local charities, which are too numerous to be mentioned.

" In this way the episcopal income has been made available for the general good of the diocese; and if that revenue and the revenues of the Dean and Chapter were to be abstracted without due provision being made to meet those wants, the diocese will suffer very severely. We shall not only feel the loss of the sums actually given, but also the influence the Bishop's liberality had in the encouragement it gave to others to follow his example. The erection of a church, or the building of a school was frequently owing to the promised aid of the Bishop. Without such promised aid we should have been afraid of commencing, and the persons to whom application for assistance was made, would have thought the scheme visionary. But with the aid of the Bishop and the Chapter's revenues, encouragement is given, which usually ends in success.

"When all these wants are fully supplied, I believe the clergy, as a body, as well as the majority of the laity, would not object to any remaining surplus being applied for the promotion of the general interests of the establishment of the country at large. The great object is, that these revenues should not be abstracted, and the diocese from whence they are taken, be placed only on an equal footing with other dioceses, which have everything to gain and nothing to lose. Let our wants be ascertained and first supplied, and then the question of abstraction may be fairly considered. Bishop Barrington was so very benevolent and liberal, that it is hard to say whether he has been exceeded by Bishop Van Mildert. They are both examples worthy to be followed in their acts of benevolence."

"Stockton Vicarage, May 28, 1836.

"My LORD—At the request of my parishioners, I take the liberty of placing the inclosed petition in your Lordship's hands, and of soliciting the honour of your Lordship to present it to the right hon. the House of Lords.

"Knowing the constitutional principles which have ever distinguished your Lordship in and out of Parliament, I feel it necessary to solicit your Lordship's support in a cause which has been so ably advocated by your Lordship and the hon. Member for Durham.

"In the return of the number of churches endowed, and livings augmented, in the diocese of Durham by the late venerated Bishop, Dr. Van Mildert, no mention is made of the sums of money given by his Lordship annually to the incumbents of poor populous livings, to enable them to engage assistant curates. A few of these I recollect Barnard Castle 75*l.* per annum; Hartlepool 75*l.*; Garrowgill, in the parish of Alston, 80*l.* (I believe). Etherley, in addition to the deed of grant and annexation of fifty-five acres, worth, I suppose, 70*l.* a sum sufficient to make Mr. Watson's income 200*l.* There are several other places which were benefitted by his Lordship's munificence, independent of money given to assist in building churches, &c.; 200*l.* to Stockton; a sum to Etherley, and another to Shildon. A correct account could, if required, I believe, be supplied by his Lordship's secretary, Mr. Gresley.

"In the years 1818, 1819, and 1820, I was deputed by Bishop Barrington to make arrangements for founding schools and chapels in Weardale: and from my own personal knowledge, I can vouch for the good effect produced in that extensive mining district by these establishments.

"I well remember the state of Weardale when insubordination generally prevailed during a season of great distress; and I can contrast it with the good conduct and peaceable demeanour of the lead-miners in the present day—a circumstance well known to the Bishop of Exeter, whose active exertions and residence at Stanhope were attended with the happiest consequences.

"MY intimate acquaintance and general connexion, as the master of a large public school, with every part of this diocese for upwards of thirty years, enable me to say, that the want of moral and religious instruction is greater in this part of the country, especially in the populous towns and mining districts, than is stated in the petition.

"In the wisdom and sound discretion of the right hon. the House of Lords, every true friend to his country places implicit confidence: the agitation of the day will, I hope, speedily pass away, but the gratitude we owe your most honourable House can never be effaced; and the æra now passing must form a memorable epoch in the annals of British history. Had more time been allowed me for obtaining signatures, the petition would have been more numerously signed, as I can assure your Lordship it has the hearty support of all my respectable and worthy neighbours.

"I am, my Lord, with sincere regard, your Lordship's most obedient and humble servant,

"GEORGE NEWBY."

He would not have trespassed on their Lordships at such length but he thought that his duty to the country required that he should bring these facts before their Lordships.

The Archbishop of *Canterbury* thought it was rather premature for the noble Marquess to take the course which he had on that occasion. The noble Marquess was mistaken if he supposed that the circumstances detailed in the letters which had been read were unknown to the Commissioners. All these facts were before the Commissioners. He could bear testimony to the truth of the facts which the noble Marquess had detailed—facts which must, he thought, serve to impress the House with a due sense of the princely munificence by which the two last prelates of Durham were distinguished. He had the honour of being intimately acquainted with both these prelates. The agent of Bishop Barrington (Mr. Butler) related the fact which served fully to support the character which he had received; for he stated that above 200,000*l.* had passed through his hands, which had been subscribed by Bishop Barrington for charitable purposes. There never was a man who did greater honour to the station which he filled, by his private virtues, by his regard for the Church, by the talents with which he maintained the cause of Christianity, and by his exertions to promote, in every way, the interests of true religion and of the Church. But in liberality he was pre-eminent. He had listened with great pleasure to a speech which the noble Marquess had some time ago delivered, in which he expressed an eloquent panegyric on the virtues of his lamented and deceased friend. The letters which the noble Marquess had read on that occasion merely supplied the foundation on which that eulogium was founded. So far, however, were the Commissioners from being ignorant of the circumstances which had been mentioned in these letters, that they were also fully acquainted with the sacrifices which had been likewise made by the Dean and the Chapter of Durham, and by every one of the Prebendaries, in the establishment of an University, by which they suffered a defalcation in their incomes. A systematic arrangement had also been entered upon for increasing the small livings in the diocese. Nothing could be more honourable to those who were parties to this than such proceedings; and he regretted that considerations of propriety prevented the Commissioners from laying before the public those details which made so strong an impression on their own minds. Part of the Bishop's intentions would be carried into effect, namely, that which regarded the improvement of several small livings, the names of some of which had been mentioned in the letters which the noble Marquess had read. He most sincerely regretted the necessity which prevented an opportunity for a like exercise of munificence by the successor of the late bishop, who, he might venture to say, was only precluded by want of means alone from following the example which had been set him.

The Duke of *Wellington* was anxious to state the grounds which induced him to vote for the second reading of this Bill. The arguments of the noble Marquess—at least those which he used on the last occasion when he addressed their Lordships—did not, in his opinion, affect the second reading of the present Bill. Those arguments went to another Bill which would come under the consideration of the House, and were founded upon the construction put by the noble Marquess on two clauses of the present Bill, which must come under discussion in Committee if the House should consent to the motion then before it for a second reading. There was no one who concurred more heartily than he did in what had been said relative to the character of the Bishop of Durham, and particularly what had fallen from the most rev. Prelate with respect to the benevolence and peculiarly excellent conduct of the late Bishop. There was no one in the country who had a higher respect than he had for such acts and qualities as those which had been alluded to; and he must say that he lamented that the circumstances of the times had rendered it necessary to deprive the See of Durham of continuing such benefactions and charitable acts as those which had been detailed. The details, however, which the noble Marquess had gone into, might be very properly considered when another measure came before them, but not upon the present occasion. It should be recollected that the entire of this Bill had been recommended by the Commissioners. He was a party to recommending his Majesty to establish that Commission. It was his duty to support the recommendation of that commission in Parliament, reserving only the consideration of that part of the subject which had been referred to by his noble and learned Friend (Lord Lyndhurst), and which might fairly be brought under discussion in Committee. With respect to the two last clauses of the Bill adverted to by the noble Marquess (Londonderry), the 29th was necessary on account of the appointment of a new Bishop. If that clause were not inserted in the Bill, the Bishop must be supposed to be deprived of a certain part of his revenues. Then, if the 30th clause had not been inserted, the Bishop of the diocese would be in possession of all the lands and property belonging to the See, and Parliament would be precluded from interference, notwithstanding the recommendations of the Commissioners and notwithstanding that there was a Bill before Parliament relating to that and other dioceses. It was on this principle that he believed these clauses were necessary, and that he was disposed to support them in Committee. But whether necessary or not, this was not the stage of the measure when they should be brought under their Lordships'notice, they being now merely called upon to give a second reading to the Bill recommended by the Commissioners, to whose appointment he had been a party. Under these circumstances, he felt bound to give his support to the second reading of this Bill.

Bill read a second time.

HOUSE OF COMMONS,

Tuesday, May 31, 1836.

Minutes.] Petitions presented. By Mr. H. Grattan, Mr. Standish Barry, and others, from various Places, for Municipal Reform for Ireland.—By Sir A. L. Hay, from various Places, for Burghs of Barony (Scotland) Bill; and from various other Places, for Alteration of Law of Statute Labour; and from Banf and Elgin, for Relieving Royal Burghs from Maintaining Prisoners after Conviction.—By Captain Meynell, from Lisburne, for Mitigation of the Criminal Laws.—By Captain F. Berkeley, from Gloucester, praying for Relief of Protestant Dissenters.—By several Members, from various Places, to strictly adhere to the Provisions of the Municipal Corporations' Act as passed — By Mr. Thorneley, from Wolverhampton, for an Equalization of the Duties on East and West-India Sugars.—By Mr. Hume, from St. Luke's, for Control over the County Rates.—By several Members, from various Places, for a Better Observance of the Sabbath.—By Sir Robert Fergusson, from Randalstown, for Excise Licences (Ireland) Bill; and against Spirits being Allowed to be sold by Grocers.—By Messrs. Law, Hodges, and Robarts, against the Descents and Heriots' Bills.—By Mr. Potter, from Wigam, for Removal of Jewish Disabilities.—By Mr. Buckingham, from the Medical Profession, Bridgnorth, for Remuneration for Attending Coroners' Inquests; and from St. Margaret, Norwich, for Repeal of the Duty on Newspapers.—By several Members, from various Places, for Abolition of Tithes (Ireland).

Municipal Corporations — (Ireland).] Mr. *Robinson* presented a petition adopted at a public meeting, and most numerously and respectably signed by the merchants, traders, and inhabitants of the city of Worcester, which he had the honour to represent, praying that a full measure of corporate reform might be given to the people of Ireland. The meeting at which the petition had been adopted was held only two days ago, and he would venture to say, that among the great numbers assembled at it, there was not a dissentient voice on the necessity of granting to the people of Ireland a measure of corporate reform similar to that given to Scotland and England. He need scarcely say, that he fully concurred in the prayer of the petitioners. He was not aware what the intention of his Majesty's Ministers would be when this subject was brought before the House; but this he would say, that any departure from the salutary measure given to this country would be productive of discontent and endless dissatisfaction in Ireland; and he was confident that the people of that country would be supported in their efforts by every honest Reformer in the United Kingdom.

Mr. *Philip Howard* was, in unison with his colleague, intrusted with a petition from the Mayor and Town-council of Carlisle, praying and urging the House to persevere in enforcing the claim of right, which the people of Ireland had to the same purified municipal institutions which England and Scotland now enjoyed. These rights were possessed by Ireland before the Union, and, therefore, without even taking into consideration its claim to equal rights with themselves, they could not, in his opinion, be withheld without a positive breach of the conditions of that compact.

Petition laid on the Table.

Corporal Punishments — Explanation.] Mr. *Hume* hoped he might be indulged while he made a few observations on a subject of considerable importance. When examined before the Committee on Corporal Punishments, he had stated in his evidence [the hon. Member read the extract] that a native of India had been tried by court-martial at Calcutta, and sentenced to 1,900 lashes for insolence and insubordination, 1,250 of which had been inflicted. Since that time, he had ascertained that there was a mistake committed on his part, and he had an application made at the Horse Guards, and had then in his hand the official report, from which it appeared that the first part of the statement was perfectly correct. The individual was sentenced on two charges, tried before the same court-martial, to 1,900 lashes, only 650 of which had been inflicted. Having satisfied himself that he was in error, he was desirous that it should be immediately corrected; and he trusted the House would excuse him. He thought it necessary to take the first opportunity of making the statement so publicly, as the evidence given before that Committee was read with deep interest.

Mr. *Cutlar Fergusson* was exceedingly glad of the explanation given by his hon. Friend, as the extract in the evidence which had been just read, tended seriously to reflect on the conduct of a brave and excellent officer.

THE PRISONERS AT HAM.] Mr. *Thomas Duncombe*, in rising to invite the House to concur in an address to the Throne, having for its object, to beseech his Majesty to use his good offices with his ally, the King of the French, for the liberation of Prince Polignac, and other imprisoned ministers of France, said that he was too well aware of the delicacy and the numerous difficulties that surrounded the question not to feel sensible how greatly he stood in need of the indulgence of the House while he stated as briefly as he was able the grounds upon which he thought England might offer her mediation without offence, and France accept that mediation without compromising either her dignity or her independence. When the House looked back to the political career and the past lives of these misguided men, he hoped that, in advocating their release, he should stand acquitted of being actuated by any party motives, or biassed by any political prejudices in their favour. He stood there to recommend their release on higher grounds—he would ask for it in the name of even-handed justice and humanity, and in order that, if their sufferings were only to terminate with their lives, it might not be said hereafter that England, by her silence, acquiesced in their captivity, or that no attempt was ever made to relieve and mitigate their afflictions. He might be asked (admitting this view of the question to be correct) what right did we possess to interfere with the domestic policy or the internal arrangements of another country? Or what precedents there were that could be adduced in support of his proposition? These were the difficulties he knew he had to contend with—these were the obstacles that he should be expected to overcome. With regard to the right that we might have to interfere with the internal policy of another country, he must say that he thought such a question came rather too late. It was true non-intervention had been our precept; but how far it had been our practice he might safely leave Spain to answer, France to illustrate, or the house of Bourbon to acknowledge. It was now nearly six years since the British public first heard with admiration and delight of the glories of July, and the triumphs of the barricades—when the citizens of Paris rose almost as one man, and proclaimed that "the will of the people" was the only legitimate title to the throne. The successful struggle made by the French nation upon that occasion caused an excitement here which he thought those who witnessed it would not easily forget. They had then seen the tri-colour flag, not confined to the walls of Paris, but triumphantly waving in our own streets among the loud acclamations of the people; and while addresses of congratulation were sent over to the Citizen King, public subscriptions were entered into to console and assist the relatives and descendants of those who had fallen in the struggle. In short, from that day, England seemed to feel that the liberties of France must thenceforth rest upon the same foundation as her own. But when this excitement began to subside, and the trial of the ministers to commence, Englishmen began seriously to reflect upon what description of constitution that was which could make the servants of a monarch deposed, of a power that had ceased to exist, responsible to those who were profiting by the change. They had then to learn in what new charter this double responsibility could be found, whereby a king could be superseded and his ministers impeached! Many then began to suspect that either the advantages of that eventful revolution had been exaggerated, or the punishment of its authors was ungenerous and unjust. However, the trial proceeded, and whether that trial had been a legal or an illegal one, whether the tribunal before which Prince Polignac was arraigned, had or had not been legally constituted, he would not pretend to decide; suffice it to say, that the ministers of Charles the Tenth had been condemned, and were then in the dungeons of Ham, suffering for having only attempted that which their more fortunate successors had been able to accomplish with a severity and a force which he should leave to other and warmer admirers of this Citizen King's reign to palliate and explain. It was notorious that, upon the first public occasion after Louis Philippe had ascended the throne, he declared that "he wished his conduct to be judged by France, Europe, and posterity." If in that declaration he was sincere, it afforded to England a favourable opportunity of communicating to him and to our gallant neighbours the feelings of sympathy and disappointment which pervade this country at the protracted incarceration of those now harmless individuals. For the credit of France, he wished most sincerely that she had listened to the counsel of a noble

Lord upon this subject: he alluded to a speech of Lord Grey, made by him in the other House of Parliament, a short time previous to the trial. That noble Lord had said, "I am far from wishing, by any observations of mine, to interfere unbecomingly in the affairs of a neighbouring country, but I believe I may say that there is not a friend of liberty in Europe, who would not feel gratified if he could see mercy extended to criminals, who may be thought by some least to deserve it; and that the revolution so nobly accomplished might be freed from any proceedings which can have the appearance of being dictated by motives and feelings of vengeance." He would ask any man (let his politics be what they might) to point out, unless vengeance were the object, what was to be gained by this imprisonment? What were the dangers to be apprehended from an immediate and generous remission of the sentence? For, if he had been correctly informed, if liberty were restored to Polignac and his colleagues to-morrow, age, infirmity, and disease, generated by the pestilential climate of their prison, had brought them so close to the brink of the grave, that all they could hope for, all they desired, was to be permitted to conclude in peace and charity, but in the enjoyment of liberty and of the society of friends, those few remaining days that belong to their ill-fated existence. And here he would wish to take the opportunity of stating, that when he alluded to the subject on a former evening, he did so without any communication, direct or indirect, with the prisoners themselves; and the only communication that had since been made to him was by a letter which he received shortly afterwards from the Princess Polignac, expressive of the gratitude of the prisoners at the kind manner in which the mention of their misfortunes had been received by the enlightened assembly which he addressed. With the permission of the House, he would read the letter.

"Ham, March 4.

"Dear Sir—Those alone who have experienced severe affliction, can understand how more than consolatory, how gratifying it is to learn, that friends still remain who are not indifferent to our appalling misfortunes. It was under these impressions that I perused your generous speech in favour of the prisoners at Ham, and learnt the flattering attention with which it was listened to by an enlightened assembly. Receive, Sir, on this occasion my best acknowledgments; they will, however, be inefficient, when compared with the secret satisfaction your own conscience must afford you, for having made a courageous effort in behalf of those who linger in confinement. It is, doubtless, to the remembrance of having in days of prosperity contributed, on various occasions, to many philanthropic acts, both in behalf of his own countrymen and of foreigners, that Prince Polignac owes that serenity of mind which has contributed to support him in adversity, and with which he now waits the further decrees of Providence.

"Allow me to subscribe myself,

"Dear Sir, your's truly,

"La Psse. De Polignac."

"To T. Duncombe, Esq., M. P."

This letter was written by the Princess, Prince Polignac being sentenced to civil death has not been allowed to communicate by letter with any one. The House was, no doubt, well aware that the fortress of Ham was situated in the most unhealthy part of France, in the midst of marshes and morasses; but to remain at large within the fortress seemed to have been thought too lenient a punishment; for within the fortress a small prison had been built, where these unfortunate men were confined almost in secret, without any means of exercise, excepting upon an elevated terrace, about thirty paces in length, and surrounded by stagnant water. At certain hours of the day a few persons are allowed to see them, but at five o'clock they are committed to their dungeons, where they dine alone, and after that hour, under no circumstances of domestic affliction or of sickness, is any friend or relation allowed to visit them to interrupt the cheerless solitude of their cells. He would ask if persecution like this could be necessary to the ends of national justice? Did it not savour rather of revenge? If so, surely the same right and the same feelings that prompted us to congratulate and address our ally in 1830, entitle us to plead for mercy in 1836, and to tell the French nation that we much fear that in the eyes of posterity the lustre of their far-famed revolution will be tarnished by such needless cruelty as this. Before he sat down, the hon. Member begged to observe that there were precedents for this motion. Similar addresses had been moved in that House in 1794 and 1796 by Mr. Fitzpatrick, for the liberation of General Lafayette, and other Frenchmen confined in the prisons of our ally the King of Prussia. He had adopted the form of that motion—a motion, too, which had been warmly supported by all the leading Whigs of that day (as he hoped his would be by those of the present time); that motion had been supported by the present Earl Grey, by Mr. Whitbread, Mr. Wilberforce, Mr. Sheridan, and Mr. Fox; and Mr. Fox, when speaking in support of it, said, "The customs of civilized nations presented no obstacle to our interposition. In the case of Sir Charles Asgill, application was made by this country to a court with which we were then at war. The good offices of the Queen of France were solicited, granted, and proved effectual, and America, the ally of France, yielded to an interposition in behalf of humanity. What, therefore, is to prevent his Majesty from using his good offices with his ally in the cause of humanity also?" True it was, that the motion of General Fitzpatrick was not carried; but why did it fail? It failed in consequence of the disturbed aspect that public affairs were then assuming throughout Europe. War was kindling in every quarter, and the principles of Lafayette were not then quite so popular as they are at the present day, and, therefore, an opportunity was gladly seized to control their influence by the detention of his person. Now peace pervaded the Continent, and were it not for the dungeons of Ham, little would be left to call to recollection the confusion that is past. His motion also might fail; but he trusted its failure would not, at all events, take place on this side of the Channel, and that, let what might become of Polignac and his ill-fated companions, England might never be reproached with having beheld with indifference a persecution which neither justice, enlightened policy, nor humanity, could approve. The hon. Gentleman, in conclusion, then moved the following Address:—"Humbly to submit to his Majesty the propriety of his Majesty using his good offices with his ally the King of the French, for the liberation of the Prince de Polignac and Messrs. de Peyronnet, Chantelauze, and Guernon de Ranville."

Mr. *Grantley Berkeley* seconded the motion. He could not understand on what ground any person, possessed of the common feelings of humanity, could oppose the motion.

Mr. *Philip Howard* trusted, that the motion would receive the sympathy of men of all parties in that House. He was quite aware it was a very delicate question to interfere with anything which regarded the domestic policy of a foreign state, but he believed the French people had, on many occasions, received our mediation in good part, and believed that the liberation of these unfortunate prisoners from this gloomy fortress, in Picardy, would be as acceptable to their feeling, as it would reflect honour on their magnanimity.

Mr. *Ward* thought, that if the motion of the hon. Gentleman was carried, it would not only be an interference with the internal affairs of another country, but would also interfere between great public offenders and the justice of a nation. He could not help feeling that the persons who were the object of the motion, had been guilty of crimes of the greatest magnitude. Prince Polignac had played a great game, which, if it had been successful, would have made him the chief minister of a sovereign who would be an absolute despot. They had been tried for their offence and found guilty, and sentenced to the punishment of death. The punishment they were now, and for a series of years had been undergoing, was a commutation of the original sentence on them. When, also, hon. Gentlemen recollected the great loss of life that had resulted from the attempt of those persons, he had no doubt they would hesitate before they sanctioned the proposition submitted to the House. For his own part, he did not think that it was carrying the punishment farther than was necessary, when an offence of such magnitude occurred. Hon. Gentlemen talked of the humanity and desirableness of mediation on the part of this country. No doubt intervention or mediation, for the purpose of preserving peace was most beneficial, and this could often be resorted to, as this country was interested in preserving friendly relations between other nations; but how could we mediate or intervene for a mitigation of punishment for political offences with which this country had nothing to do? At any rate he felt satisfied that it was a question which should not lightly be dealt with in that House. What, he asked, would be the feelings of that House and of the country, if a foreign power chose to interfere with this nation for a mitigation of punishment for great political crimes. Although his feelings might prompt him to vote with the hon. Gentleman, he trusted that the motion would be withdrawn, or that the House would, on a calm consideration of the subject, feel induced to reject it.

Sir *Robert Inglis* observed, that when the hon. Member for Finsbury first gave notice of a motion on this subject, he could not help feeling some degree of envy at the generous feelings which actuated the hon. Gentleman. He had, however, mentioned at the time, that he could not support an Address to the Crown on the subject, as it would be an interference with the internal affairs of another nation. He now repeated that opinion; but he was most anxious for the success of the object which the hon. Member had in view. Although the noble Lord, the Secretary for Foreign Affairs, might not give such an answer to the hon. Gentleman as he might wish, yet he trusted that the noble Lord would use other means to attain the desired end. This he also thought could be more readily and easily obtained by the means he referred to than by a formal Address to the Sovereign to exercise his influence to further this object. He would not provoke a discussion as to whether or not these persons in the prison of Ham deserved thep unishment which had been inflicted on them; and, above all, when he recollected that by doing so he might remove to a greater distance the chance of their release.

Viscount *Palmerston* said, that from the speeches which had been made on both sides of the House, and from the manifestations of opinion with which those speeches had been received, two things were sufficiently clear—first, that the House sympathised with the hon. Member for Finsbury in those feelings of humanity and generosity which had impelled him to bring forward this Motion; and, secondly, that it was not the opinion of the House that the Motion for an application on the part of the British Government to the French Government should be pressed at the present moment. He was speaking for himself, and he believed for his colleagues, when he said, that nothing would give him more sincere pleasure than to hear that the Government of France had thought it expedient to advise the King of the French to exercise his prerogative of pardon towards Prince Polignac and his fellow sufferers. He was sure that such an act of mercy on the part of the French Government would meet with satisfaction and approbation, not only in this country, but also in every quarter of the civilised world. Speaking individually on this matter, he could not conceal from himself, that whatever the political offences might have been of which Prince Polignac and his colleagues had been found guilty, the punishment inflicted upon them had been severe and long-continued. It would, therefore, be consistent with those generous and chivalrous feelings which distinguished the French nation to show, that when the continuance of punishment ceased to be necessary for the sake of example, anything like vengeance was deemed unnecessary, and that a generous oblivion should fall upon those offences which had been sufficiently marked to prevent their repetition. However becoming it might be in the hon. Member for Finsbury—who was well known to entertain opinions favourable to the liberty of the subject—to stand forward as the advocate of mercy towards those who had acted upon opinions quite the reverse, still he trusted that the House would not forget that it could take no step so inexpedient, and he might even add, so dangerous, as to ask the King of England by address to interfere in matters connected with the domestic concerns of another country. There was no precedent for any such interference on the part of the British House of Commons. The precedent to which the hon. Member for Finsbury had alluded was one totally different in all its fundamental principles. On that occasion General Lafayette, and other officers connected with him, having passed from the French army with the intention of retiring into Holland, fell in with the advanced post of the Austrians, and were held in consequence in confinement, as prisoners of war. The hon. Member had referred to the opinions of Fox, Sheridan, and Whitbread, in favour of the Motion of General Fitzpatrick; but he had forgotten to tell the House, that Mr. Fox expressly stated that he supported the Motion because General Lafayette was not a subject either of the King of Prussia or of the Emperor of Austria—because he had not violated any laws which he was bound to obey—because he was a mere prisoner of war—and because we, as allies in war to the power which had captured him, were entitled to intercede in his favour. This case, however, was totally different; for it was the case of subjects of another country tried for offences against the laws of their country, adjudged to punishment by the legal authorities of that country, and suffering at present under punishment deemed by those authorities appropriate to their offences. Now, if we were to set the example of interference in such a case, it might be inconveniently retorted upon us, and if there was one principle which public men in this country had held more sacred than another, it was this—that it should not be permitted to any foreign Government to interfere directly or indirectly in the internal affairs of England, and that neither with laws which we proposed to pass, nor with the execution of laws which we had already passed, should any foreign Government presume to meddle. Now, it would be impossible for us to maintain that principle as strictly as we ought to do if we interfered in the present case. Even for the sake of the object which the hon. Member for Finsbury wished to accomplish, it would be most politic for him not to press his motion to a division; for the French people, though chivalrous and generous, were sensible of the value of high character, and though they might be swayed by the expression of the opinions of a free assembly in a friendly country, yet if that assembly went further, and arrogated to itself a right of interference, it was much to be apprehended that their pride would be roused, and an effect produced the very reverse of that which the hon. Member intended. He, therefore, begged the hon. Member to content himself with having elicited sentiments from both sides of the House in concurrence with those which did him so much honour. He begged him to allow the matter to rest where it then was, and as the battle was now over, and as the constitutional monarchy of France was now established beyond any possibility of shaking it, and as the objects for which it was established were now in progress to their accomplishment, he implored the hon. Gentleman to share the confident hope which he himself entertained, that the same generous feelings which induced him to make this motion would spontaneously animate the French people at large, and that their own innate generosity would lead them of their own accord to the very same results which his hon. Friend wished to accomplish.

Mr. *Randall Plunket* believed, that the severity of the sentence passed on the unfortunate prisoners at Ham had been carried into effect in consequence of the cruelty of that nation of which he did not think so highly as some hon. Gentlemen. The crime was not so much that of the Ministers as that of the monarch, and this was not the first case of this nature where individuals had been punished, or even suffered death, and the chief party had gone free in consequence of its being thought that a monarch was only responsible through his Ministers. There was a very remarkable case of this kind in the history of this country.

Mr. *Cutlar Fergusson* was satisfied that the adoption of the motion would not tend to promote the object which the hon. Gentleman and the majority of the House had in view. He wished, however, to observe that he could not agree in what had been observed by the hon. Member for St. Alban's (Mr. Ward) that the guilt of these persons had not been sufficiently punished. He, however, entirely concurred in the expressions of sympathy which had been uttered for those unfortunate persons, and he was sure that if they were allowed their liberty, that it would excite the sympathies of Europe in favour of the King of the French, and do much to establish his Government in the feelings of those persons who had previously been opposed to it.

Mr. *Ward* did not say, that Prince Polignac and his colleagues had not been sufficiently punished, but that their crime was against the French nation, and they had been sentenced to death, and that their present punishment was a commutation of their former sentence.

Lord *John Russell*, though he sympathised deeply with the individuals in question, and earnestly wished to be of service to them, he should have felt quite satisfied to let the House go to a vote on this motion, on the ground stated by his noble Friend, the Secretary for Foreign Affairs. But his motive for rising at present was to make one or two observations, in addition to the statement of his strong conviction that it was impossible for us to interfere with propriety in the internal affairs of another nation. Before making those observations, however, he would say, that he trusted the Government of France would consider this question in the manner in which his hon. Friend, the Member for Finsbury desired, and in which the House appeared to coincide with him. Being contented with the statement of his noble Friend, he should not have risen to say a single word, had not the hon. Member for Drogheda thrown out certain reflections against the French nation, which were used very inappropriately on this subject, and which he had some reasons for knowing were quite unfounded. "It happened to me," said the noble Lord, "to be in Paris soon after the Revolution of 1830, when the popular opinion was—and it was very natural that it should be so, after a revolution which had cost so much blood and so many lives—that the Ministers of Charles 10th would expiate their offences by forfeiting their lives on the scaffold. It happened to me to be asked by some persons very nearly connected with Prince Polignac and his family, to ascertain what was likely to be the issue of his trial. Certainly I could not pretend, certainly I did not pretend, to have any such influence with the persons with whom I was then acquainted in Paris, as to hope to alter any opinion of theirs; but I had sufficient acquaintance with the Ministers and Court of Louis Philippe, and others who had influence in France, to ascertain from them the nature of their opinions. I did ascertain from them, for the satisfaction of Prince Polignac and his friends, that the enlightened sovereign who now reigns over the French nation, and the Ministers who were then his advisers, contemplated with horror the infliction of any capital punishment upon those Ministers, and that any influence which they could use would be directed to prevent the Chamber of Peers, and those engaged in the trial, from coming to a decision by which their lives would be placed in jeopardy. I took care to convey that information as soon as possible to those who were anxiously awaiting the result of any facts which had come to my knowledge. But it was stated to me, that even if the case were as I had been informed, and even if the Ministers and the Chamber of Peers should decide that the lives of these unfortunate men should not be forfeited, and that they were not to undergo capital punishment, there might be a popular insurrection,—that the National Guards might be forced, or perhaps might allow themselves to be forced, and that in being conveyed to the Chamber of Peers, or in being taken from it, those individuals, who on their trial were declared free from all danger as to their lives, might be sacrificed to the vengeance and fury of a sanguinary mob. It was my fortune to be intimately acquainted, and I say it with pride and gratification, with General Lafayette, then in command of the National Guard of Paris. I wrote to him, and asked him for an interview on a subject of great importance. He did me the honour to come and visit me, in order to hear the questions on which I wished to ascertain his opinions, and I then told him of the dangers which were apprehended for the lives of the Ministers then upon their trial. He stated immediately his opinion—his decided opinion; and he asked me, as an Englishman, whether I did not think that the opinions of Englishmen in former times would have coincided with his own,—namely, whether the offence which those Ministers had committed was not an offence punishable with death? He went on, however, to state, that as a question of humanity, he never would promote, or be a party consenting to promote, the infliction of that punishment on those Ministers; and when I put to him this question—"Is there not danger lest the National Guard should be forced, and violence be committed on these prisoners?" he answered me, with great emotion, "No, that must not, that shall not be." That was the answer given me by General Lafayette, a brave and honest man, a republican, it may be, in opinion, but still a sincere and humane man; and I now ask the hon. Member for Drogheda, such having been the concurrent opinions of the Ministers of Louis Philippe, of his Court, of the Chamber of Peers, and of the Commander of the National Guard, all borne out by their subsequent conduct—I ask him, I say, whether, after the provocation to the Revolution of 1830, any imputation of cruelty can justly rest on the nation, of which the King who now reigns, and of which General Lafayette, who is now unfortunately no more, were the most distinguished ornaments? The noble Lord then proceeded to observe, that he had thought it right to say thus much on these facts, because they came within his own personal knowledge; and having said thus much, he would now repeat, that he could not agree with the motion for the reasons stated by his noble Friend. If he had thought it right to agree to motions of this kind, there were other occasions on which he should have supported them in behalf of persons who had been condemned to suffer, he would not say whether justly or unjustly, and had suffered most grievous punishments, not for being parties to the promulgation of ordinances injurious to liberty, but because they had been too sincere and ardent advocates of liberty. He alluded to the cases of Count Gonfalonieri and Silvio Pellico, with whose narrative all the House, he believed, were now acquainted. He, however, considered it to be the sacred duty of that House to abstain from interference in such cases, and he had, therefore, neither propounded nor supported such motions. He thought that foreign Governments were the best judges of what ought to be done in such cases. The Austrian Government had thought it necessary to take such and such measures for the protection of its dominions in Italy, and since that time it had deemed it necessary to extend mercy to the individuals whom it had formerly punished. He was sorry for the severity: he rejoiced in the mercy which had been displayed towards those individuals. Like his hon. Friend, the Member for the University of Oxford, he should be sorry to interfere in the internal affairs of a foreign Government. He could not, therefore, support the motion for an address; and if he were compelled to vote against it, he hoped that the House would give him credit for a full participation in those generous sentiments which had led the hon. Member for Finsbury to bring it forward.

Sir *Edward Codrington* must also disapprove the imputation of cruelty cast upon the French nation by the hon. Member for Drogheda. He had been in Paris immediately after the revolution in 1830, and could confirm the statement of the noble Secretary for the Home Department.

Mr. *Grove Price* observed, that this debate had been as creditable to the House as its warmest friends could wish, for it proved, that when a question of humanity was brought forward, there was no difference of opinion among Englishmen of all parties, but all were ready to support it. The House and the country owed a deep debt of gratitude to the hon. Member for Finsbury for bringing this motion forward, and whatever might be the fate of it, the hon. Member ought and would feel happy in having brought it forward.

Mr. *Arthur Trevor* said, that although it would not be expedient to press this question to a division, and although it was not consistent with the policy of his Majesty's Government to accede to it, there could be no doubt its object, and the manner in which it had been brought forward, were equally creditable to the hon. Member for Finsbury, and he was not without a hope that the unanimous expression of opinion which had taken place on the subject would not be without the happiest effects in France.

Mr. *Poulter* differed from the noble Lord, the Secretary for Foreign Affairs, and from the hon. Members who had sided with him in opinion, as regarded the propriety of the interference of that House in a matter of this kind. It appeared to him that there were some circumstances of a peculiar nature in the present case which took it out of the operation of the rule which had been laid down. The fact was, that although there was a very general feeling throughout France, among all classes of the population, that the prisoners at Ham had already received a degree of punishment adequate to the satisfaction of public justice, yet that the Ministry of the day were so situated with respect to party and to public opinion, that they would not act on their conviction, because of their fear that their conduct would be construed into an approval of the course of proceeding for which the prisoners had been sentenced to the punishment. And when it was considered that there was no assembly on the face of the earth which stood so high in the estimation of the French people as the British House of Commons—above all, no assembly in which it was known there was a greater repugnance to, and dislike of, such principles as those which had actuated these unfortunate prisoners, those acts for which he (Mr. Poulter) was bound to say they had been justly condemned, he thought that, in these circumstances, there would be found grounds for interference, which in other cases, perhaps, might not exist. Even admitting all the *primâ facie* objections to that course which had been urged by preceding speakers, he (Mr. Poulter) thought these circumstances afforded sufficient and ostensible reasons for making some demonstration on behalf of these unhappy persons, especially when it was remembered, that if such a step were not taken by our Government no other government would take it, and Prince Polignac and his companions would most likely be confined for the remainder of their lives. He believed good effect would be produced by the friendly interposition of the Sovereign of this country, undertaken at the instigation of this House; he, therefore, hoped his hon. Friend, the Member for Finsbury, would press his motion to a division, and he should feel it his duty to support him.

Dr. *Lushington* did not intend to have spoken but for the speech of the hon. Member for Shaftesbury, from every part of which he entirely dissented. He was certainly of opinion that if there was one mode by which more surely than by another the object they had in view would be defeated, it was that proposed by the hon. Member. The interference of that House would be calculated especially to excite the jealousy of a nation like the French; it would be an unjustifiable interference with them on points which, according to the law of nations, belonged exclusively to the sovereign power to decide and determine. Were this motion acceded to, there would be no end to the occasions on which this House would be called upon to say to a foreign government, in respect of any political offenders, "We, the British nation, think you have punished these individuals long enough, and we, therefore, call upon you to exercise that clemency, which, if it is to be exercised at all, ought to be exercised from the sovereign power alone." He could not say that he thought the motion would be productive of any good, or that it would tend, in the slightest degree, to accelerate the release of these unfortunate persons; on the contrary, he thought this was of all others the very period when the French Government would be afraid to exercise their own discretion and free will, because of this interference on the part of the British nation. He could not help concurring in what fell from the noble Lord, the Secretary of State for Foreign Affairs. What would be the feeling excited in that House by an attempt, on the part of a foreign government, to interfere in the administration of justice in this country? He (Dr. Lushington) for one would say, that such an interference should never for one moment influence his mind. Having said this, however, on the subject of the form of the motion, he felt it due to himself to say, that no person could feel more strongly than he did for the situation of the prisoners. He had throughout his life been attached to the principle of rendering punishment certain, but not severe, as the only sure mode of rendering it efficacious everywhere. He hoped the declaration he was about to make would not be considered inconsistent with this line of conduct. He would acknowledge that he was not prepared to create this precedent in favour of individuals who had fallen a sacrifice to their endeavours to introduce despotism into a foreign country, when that House had never made a similar attempt in favour of the hundreds who had worn away their lives in captivity, and lingered out their days in miserable imprisonment, because they were too much attached to the cause of liberty, and too desirous to confer upon their native land the blessings which free countries enjoyed. He would tell the hon. Member for Drogheda that there never was a case in which the imputation of cruelty was more unfounded, than against the French nation in this instance: when, by the acts of these individuals, however conscientious, the whole country was in a state of fearful agitation; and the wives and children of the slain were crying for vengeance. He (Dr. Lushington) would confidently affirm, that there never was an instance of a nation similarly circumstanced, displaying such moderation. He would ask, what would have been the sentence of that House if Gentlemen sitting on that (the Ministerial) bench had so sought to overturn the constitution of Great Britain, as Prince Polignac and his associates had that of France? He need only refer the House to English history, and to the Acts of Attainder passed in the reign of William III., for a reply. He (Dr. Lushington) could expect no benefit from this motion: he hoped it would be productive of no evil. So far as his voice could reach, he prayed that this sentiment might reach France:—We trust in the honour and mercy of the French Government in our commiseration for the sufferings of these unfortunate individuals—we place trust in them. The British nation abjures, and never will attempt to interfere in the execution of their justice.

Mr. *William Roche* agreed with the hon. Member for Finsbury in so much of his object as regarded the humanity mixed up in the question, but as regarded the form of the motion he felt himself bound to side with the hon. Member's opponents. He thought that a direct interference would be highly impolitic on the part of that House; but that, on the other hand, the universal and unanimous expression of feeling which the subject had called forth on this occasion would prove most beneficial to the prisoners.

Mr. *Thomas Duncombe* said, that, not merely in deference to the opinions which had been given, but also from a regard to the interests of the individuals whose cause he had endeavoured to support, he should beg leave to withdraw his motion. He could not do so, however, without expressing his gratitude for the sympathy in the object of the motion which had been shown from all parts of the House. He sincerely hoped the sentiments which had been expressed by his Majesty's Ministers, and that House in general, would be received elsewhere in the spirit in which they were intended.

Motion withdrawn.

MUNICIPAL CORPORATIONS (IRELAND) BILL.] Lord *John Russell:* I wish to take this opportunity of calling the attention of the House to a matter connected with the progress of business. A debate is to take place to-morrow on the Irish Church Bill, which I understand, according to the general impression of the House, will last beyond one night. In that event, I shall not propose the consideration of the Municipal Corporation Act Amendment Bill on Thursday. I shall not be able to do so either on Friday or Monday next, and shall therefore beg to postpone it for a week. On Friday my right hon. Friend, the Chancellor of the Exchequer, will, in pursuance of his notice, propose the question of the stamp-duties; and on Monday I mean to bring forward the question of the registration of marriages.

Mr. *O'Brien* begged to put it to the noble Lord, whether it was consistent with a proper respect for the feelings of the people of Ireland, that so important a question as that to which he alluded should be postponed.

Mr. *Hume*: If there be any one question which deeply affects the British public, it is what shall be the fate of the measure for reforming the Irish corporations. I therefore conjure the noble Lord, so far from postponing it, to postpone, in preference, even the Stamp-duties Bill—any measure is inferior in importance to one which affects the whole of the Irish people. The question is really this, whether the House having to decide on a point of justice to Ireland, shall postpone the consideration of such a subject for a week.

Subject dropped,

MEDICAL CHARITIES (IRELAND).] Mr. *William Smith O'Brien* moved for leave to bring in a Bill for the better regulation of Medical Charities, supported by county assessments in Ireland. Under the present system the greatest inequality prevailed in the assessments for this purpose, and when the money was procured there were not those regulations which ought to exist, in order to prevent abuses, and to make these Charities as beneficial to the community as they could possibly be. The hon. Member then entered into some details to show the gross unfairness and inequality of the present system of assessments for these Charities in Ireland, and stated the obligations he felt himself under to Dr. Freeman for his laborious exposition of the state of that country in this respect. He then proceeded to explain the nature of the provisions of his Bill. With regard to Dispensaries, there were, it was true, a great number in Ireland, but they were very unequally distributed, some districts having too many, others too few, in many the medical men were not sufficiently qualified; in almost all, abuses of various kinds existed. He proposed that there should be in future a Dispensary for every district containing from ten to 15,000 inhabitants. That no medical attendants should be admitted into them but those whose competence should have been previously attested by a Board, that the Dispensaries should be supported by a district rate, to be levied, two-thirds on the landlord, and the remaining one-third on the tenants, and that they should be superintended and managed by persons representing the great body of the rate-payers. With regard to Infirmaries, the same general principles were to be acted upon, as also with respect to Hospitals; the whole were to be under the superintendence of a Central Board in Dublin, which was to be assisted by inspectors, whose duty it would be to make tours through their respective districts, ascertaining whether abuses existed, if so, reporting them to the Central Board, together with any improvements which might be suggested to them in the management of the Charities. These were the main provisions of his Bill, and he only hoped that the House would allow him to bring it in, that it might afford some assistance, at least, to Government or some Member more able than himself to undertake the task, in framing a more perfect measure.

Mr. *Wyse* said, he felt deeply the necessity for some such Bill as the present. The Medical Charities in Ireland were in a most anomalous condition. The first business of the Legislature was to consolidate them, by providing such machinery as would bring them all under some central control, and, at the same time, furnish a good system for their support by local taxation, united with local inspection. He (Mr. Wise) as the House was aware, had already advocated the establishment of a Central Board of Public Works, and one for Education, he therefore hailed with pleasure a scheme for the establishment of a Central Board of Charities. He should be happy to render any assistance in his power to the hon. Member for Limerick (Mr. O'Brien) in presenting this Bill to the House.

Viscount *Morpeth* said, the Government would be happy to avail itself of any hints which might be contained in the Bill proposed by his hon. Friend for the regulation of Medical Charities in Ireland. He should therefore offer no opposition to its being brought in; at the same time not pledging himself that he would not present to the House a rival measure, which he had for some time been contemplating. He could not sit down without saying, that whoever should have to investigate this subject would owe a debt of gratitude to Dr. Freeman.

Leave given.

SHIPS' REPORTS.] Mr. *Hutt* rose to move for a Return of the number of Ships' Reports that required amendment during the two years ending 5th January, 1836, the date of each ship's arrival, and the date at which the amended Report was completed; stating the nature of the error in each case. He felt it to be his duty, while representing a large commercial constituency, to direct the attention of the Government and the House to some great evils which the present Custom House system presented. He had had occasion to see a great deal of public offices; but there was not one which caused greater inconveniences to those who had to do with it, than the Custom House. In a country which drew 20,000,000*l.* from her imports, this could not but be productive of very great injury to her commerce; and unless a wiser system were pursued, that injury would become incalculable. The evil to which he now particularly adverted was this. "A ship comes into one of the outports. A slight discrepancy is discovered between the cargo, the discharges, and the bill of lading in the Custom House. What takes place? A Report is sent to the Commissioners in London; the ship is detained, perhaps, for two or three days, and then an answer comes down, telling the Collector of the Customs at that port, that the discrepancy is immaterial, and that the ship may depart." It was easy to see what immense injury the commerce of the country must sustain from such a state of things. What he (Mr. Hutt) desired was, that the power of the Commissioners of Customs should be more localized, or that the Collectors of the Customs should be enabled when satisfied that the discrepancy was the result of mere oversight, and not intended to defraud the revenue, to discharge the ship without subjecting her to this delay.

Mr. *Francis Baring* said, he should offer no opposition to the Return. At the same time he must observe, that while the law remained as it did, the Commissioners of Customs had a duty to perform for which they could not be blamed.

Mr. *Ewart* said, he could bear out what had been stated by his hon. Friend, the Member for Hull, that great evils arose from the want of localization in the power of the Commissioners of Customs; and he hoped some remedy would be applied.

Mr. *Hume* observed, that what had fallen from the hon. Secretary (Mr. Baring) proved the necessity of an alteration in the existing system. At all events, he thought it was a fit subject for inquiry.

Mr. *Robinson* bore testimony to the general disposition on the part of all public officers connected with the collection of the revenue, to afford every convenience in their power. At the same time he must say, he fully agreed in what had been stated by the hon. Member who made this motion, as to the great injury sustained by commerce from the delay occasioned by the most trifling amendment required in Ships' Reports. He imputed no blame to any one; he hoped, however, the subject would gain the attention of Government.

Return granted.

MILITARY AND NAVAL PROMOTION.] Mr. *Bannerman:* In accordance with the notice which I have given, I rise to call the attention of the House to the situation in which many officers of various ranks are now placed, belonging both to his Majesty's land and sea forces, whose length of service seems to entitle them to the consideration of Parliament and the country. Sir, it is not my intention to occupy the time of the House by bringing under its consideration the cases of individual hardship, which many most deserving officers in both services have to complain of. With the limited information which I possess, I should not be justified in adopting such a course on the present occasion; for I think I should fail in duty to a body of men who never failed in theirs, were I to notice such cases only as accidental circumstances have made me familiarly acquainted with, and pass by many others which, I have no doubt, are equally deserving of attention and consideration. Sir, the object which I have in view is promotion or some other equivalent to the older officers of various ranks in both services. I have no wish to disguise that object; but before I allude to the claims of those officers, I will allude for one moment to the notion which I find prevails among some hon. Gentlemen, that I bring forward this subject with the assent of the Government. Sir, neither directly, nor indirectly have I held any communication on this subject with any Member of his Majesty's Government. The House, therefore, need not be surprised if I display not a little ignorance in handling a subject on which it has been supposed that I have been so much enlightened by his Majesty's Ministers. There is another topic I would also allude to for one moment. It has been said that this is a matter which no individual Member of Parliament ought to bring forward, it being the province of the Government, and interfering with the prerogative of the King. Sir, the Government is sometimes none the worse for an occasional hint from this House; and as to the prerogative of the King, I would be the last man to dream of interfering with it. But I imagine our Gracious Sovereign is also the last person in his dominions who would not be too happy to exercise that prerogative by noticing, in one way or another, the length of service of his oldest officers, who were ready at all times, when their country called on them, to encounter cannon and climate, heedless of the "battle or the breeze." Many of these men, worn out with age or infirmity, have already disappeared from the half-pay list. The survivors are left to *dream* of some prospect of promotion or mark of public approbation, for long service, being bestowed on them. It has hitherto proved but a dream; no prospect seems to open to that class of men, except that which opens to them beyond the grave. Sir, I trust that the discussion which will arise this evening on this question may be useful to them; for although I cannot submit any substantive proposition for the consideration of the House, which might have the semblance of infringing on the King's prerogative, I am sure the House will listen to me for a few minutes, and allow me to assume a very possible case, which may very probably take place, and in doing this I hope I cannot give offence in any quarter. Well, Sir, in looking over the last navy-list I find there are many post captains of thirty-five years standing; there are eighty of them of that rank of more than thirty years. I shall suppose that those officers choose to memorialise his Majesty. I shall suppose that he is graciously pleased to honour them with an interview, and to admit to the fullest extent their claims on his consideration. What follows? The King has recognised and admitted their claims, he will surely exercise his prerogative; to be sure he would. But, in the exercise of that prerogative, his Majesty would of course consult with his responsible advisers. I am only supposing a case; and I suppose that my right hon. Friend, the Chancellor of the Exchequer, should be appealed to, and that his Majesty should condescend to feel the pulse of the right hon. Gentleman, and inquire the amount of the surplus revenue at his disposal, which is so keenly contended for by distressed agriculturists and others in this House. Why my right hon. Friend would naturally say, there is a document in the library of your Majesty's faithful Commons, in the shape of a Report from a Select Committee which sat some years ago; the Report concludes in the following terms:—"The Committee beg leave, in conclusion, to express their anxious hope that no addition to the number of flag officers in the navy, any more than to that of general officers in the army, will in future be made, except upon some very strong grounds of public necessity." Sir, with such a document staring any Ministers in the face, it is very easy to imagine the responsible advice that would be tendered. But, Sir, I call on the noble Lord who acted as chairman of that Committee, I appeal to others Members of that committee, and to my hon. Friend, the Member for Middlesex—whose love of economy has never weighed in the scale with his love of justice—and I appeal to this House, whether strong grounds of public necessity do not now warrant something being done for these old officers. That expediency warrants it, I cannot entertain a doubt; and that the country will approve of it, I feel certain. Sir, it is a notorious fact that great dissatisfaction prevails in both services, for more reasons than one. I do not wonder at it. But I do not think it fair that that dissatisfaction should be laid at the door of this House of Commons. In the navy-list I find—for it is that branch of the service I will first allude to—that there were, as I said before, seventy-eight captains of upwards of thirty years standing in that rank, most of them between sixty and seventy years of age. Under the existing rules of the service, very few of them, I know, could be put on the effective list of flag officers. But surely an addition to their half-pay would be but an act of justice to those who have so long suffered from disappointment; and no mode more honourable to the individuals, or gratifying to the country, I think, can be suggested, than to grant them the rank they have so long and so anxiously sought for. Supposing they were all to be promoted, the amount, including the addition of pay to the seventy-eight who step into their shoes, and the seventy-eight who follow them—making a positive pecuniary advantage to 234 captains—the advancement to all would be a temporary advance of 20,000*l.*, and no permanent burden on the country. No, not for a couple of years; for in peace, as well as in war, death deals silent destruction in the navy and army. In the navy, for the last three years, it has removed forty-three admirals, vice-admirals, and rear-admirals, forty-two captains, forty-five commanders, and 184 lieutenants, comprehending half-pay to the amount of 57,838*l.* 17*s.* 6*d.*, or a yearly average of 19,279*l.* 12*s.* 6*d.*; so that the House will perceive a very paltry sum altogether is required to do a similar act of justice, for length of service, to the old officers in the various inferior ranks in the navy. I find there are among them a certain class of commanders denominated retired commanders, receiving certain pay under different acts of council by his Majesty, and a class of lieutenants receiving similar pay by the same authority. I am not aware in what circumstances these officers stand, or whether they are entitled to look for promotion. But the principle that I contend for, and the object I have in view, is reward for length of service to the various ranks, and not what is called a patronage promotion. The House will observe that I have not noticed that distinguished class of individuals in the navy—the admirals. At the promotion which took place at the coronation in 1830, the amount to that branch of the service alone was 20,000*l.* I have reason to believe that 3,000*l.* or 4,000*l.* would now suffice to give satisfaction to those officers. But my gallant Friend, the Member for Kinross, understands this subject better than I do; and as he has now got his cocked hat under the Admiralty telegraph, I dare say I may safely consign the admirals to his care, and if his gallant brethren shall have anything to complain of, I hope they will make him responsible. I have now, as briefly as I could, but very imperfectly I am aware, brought the claims of the old naval officers under the consideration of this House. That great dissatisfaction exists in that service, there cannot be a doubt, and that similar dissatisfaction, on similar grounds, exists in the army, I shall endeavour to prove; and to that important branch of our service I beg leave now to direct the attention of the House. Many of the remarks with which I this evening prefaced my observations on the navy, apply equally to the army. I need not repeat them, having the same object in view, viz., promotion to the older officers. The Select Committee, to which I have already alluded, speak of the army in their Report as follows:—"The Committee cannot close the military branch of their inquiry without stating the favourable impression which they have derived from it as to the general economy and management of the army. They would have been happy if, in the performance of the duty intrusted to them, they could have effected any greater saving to the public; but taking into view the peculiar circumstances of our military service, as pointed out in various parts of the evidence, and particularly by the Duke of Wellington, in the memorandum already referred to, and taking also into view the fact, that whilst the salaries and emoluments of most branches of the civil service have considerably increased since 1792, those of the superior officers of the army, with few exceptions, are the same as they were a century ago—they hope that in the alteration which they have recommended they will be found on the whole to have carried the principle of reduction as far as they could without detriment to the efficiency of the public service, or to the just reward of professional merit." That Committee were at great pains to inquire into the state of our military and naval appointments; the public is indebted to them for many valuable suggestions, and their observations on the management and economy of the army are highly creditable to that branch of the service. But admitting, as the Committee does, the increase of emoluments to the civil servants of the country, and coupling that admission with the withering sentence which concludes their Report, I again appeal to the hon. Members of that Committee, whether circumstances have not now materially altered—I appeal to them, and I appeal to this House, who voted twenty millions for the West India slave proprietors, and I ask whether a little more than as many thousand pounds can for one moment weigh with any hon. Member in doing only a bare act of justice to the officers of the army? I ask, whether it be right that a lieutenant-colonel in the British service, who fought at Waterloo, should still be a lieutenant-colonel, while he who fought in the same battle, in the same rank; in the Prussian service, has now attained nearly the highest rank in his profession? Having made that comparison between the British and Prussian service, I shall abstain from making invidious comparisons between any of the different branches of his Majesty's forces. But I think I am bound to prove to the House, and I wish to prove it to the country, that well-grounded dissatisfaction exists in almost every department of the service. I think that the grievances which generate that dissatisfaction ought to be redressed, and I am anxious that those gallant Officers should not suppose that there is any unwillingness on the part of this House to do them justice. In confirmation of the dissatisfaction to which I have alluded, prevailing in the various branches of the service, I may call the attention of the House to a printed document which fell into my hands the other day, entitled "Observations on the Corps of Royal Artillery." Does any Member of this House believe that these observations were from the pen of a civilian, or that I produce them on this occasion to serve any particular purpose, or produce any stage effect? No, Sir; I produce them to show only that the gallant Officers of that distinguished corps have grievances to redress, and that they, as well as all other Officers in his Majesty's service seldom complain without a cause. Sir, the sentence which prefaces these observations is as follows:—"The want of retirements and slowness of promotion are the great grievances under which this corps labours." It is a short sentence, but expressive, and the one which follows it is equally so:—"It is conceived to be a hard case that, after exposure to the casualties of a military life, there should be no adequate retirement at the end of it." I shall pass over the few observations which follow; but there is one of them which has struck me so forcibly that I cannot help noticing it to the House; for the House, I am sure, will scarcely believe that artillery officers cannot, whatever be their length of service, retire upon half-pay, except under the decision of a medical Board. The remedy proposed in these observations is, "that artillery officers, above the rank of subalterns of twenty-two years' general service, and subalterns of eighteen years', should be allowed to retire upon half-pay, as was formerly the case, and that after thirty years, when disqualified by infirmity, all ranks should be allowed full pay." Sir, if it was the case formerly that military officers were allowed to retire on half-pay, I should be anxious to know the reasons which induced the authorities to make so great a change in the system which formerly prevailed in that corps. I find in the pages which follow these observations, extracts from the evidence of Lord Fitzroy Somerset, and the gallant General opposite (Sir H. Hardinge), before two Select Committees of the House of Commons, in 1828 and 1833, stating their opinion of the effects of the system of promotion in the artillery. The evidence of the gallant General is so striking that I beg leave to read the extract:—

"You have stated, that owing to the system of promotion in the ordnance service, the colonels do not get the higher ranks till they obtain an advanced age. Can you state, out of the nine colonels of artillery, how many there are above seventy years of age?—I should say, that of the colonels of the artillery there are six at present above seventy years of age, and I know some upwards of eighty; I know one that is eighty-four, and another of the engineers that is eighty-two. In the lower ranks, the average time before an officer of artillery attains the rank of first captain, is forty years of age.

"If the artillery were to be called into active service, would the captains of those companies enumerated by you be able to go into the service with them, or would you have to appoint fresh officers?—I conceive the mischief to the artillery corps is so great, from the slowness of the promotion, and from the want of energy which that slowness generates, that I conceive, when the artillery officer has obtained his commission, he is indifferent and careless in qualifying himself further for his profession. During the Peninsular war, we were obliged to take a captain of artillery to assume the command of the whole of the artillery; thus a captain had a lieutenant-general's command, having about 8,000 men, and about 3,000 or 4,000 horses, undertaking the sieges in Spain, and the management of the artillery in the field.

"The greater part are unfit for the active service of the profession when they have arrived at that rank which would have enabled them to assume the relative command with officers of the line. I have another instance, in the case of Sir George Wood, who commanded the artillery at the battle of Waterloo, who was a major of artillery, and who was the oldest officer at the battle of Waterloo.

"What was the rank of the officer in the French artillery in the corresponding command? — The corresponding rank in the French service would have been lieutenant-general.

"What was the corresponding rank with that of Sir Alexander Dickson?—Lieutenant-general."

My gallant Friend, the Member for Nottingham, knows a captain of artillery who was present at every battle during the Peninsular war; that distinguished officer is still a captain, and if he lives to the age of a hundred, may not attain the rank of a field-officer. But why need I single out individual cases? Do not the army-lists tell me that lieutenant-generals of 1814 are still lieutenant-generals, and other officers like them, in high rank, whose promotion costs not the country a sixpence, are in a similar predicament. Are not the lieutenant-colonels of 1814, 15, and 16 still lieutenant-colonels, and the majors of the same year still majors? The captains of 1813, 14, 15, 16, and 17 still captains? Sir, I refer hon. Members to my source of information—the last army-list—where they will find colonels who have been fifty years in the service; and I see opposite a gallant Officer, the Member for Suffolk, still a colonel, although I believe he commanded the Fusileer brigade, which decided the battle of Albuera twenty-eight years ago. Sir, I find, both in the army and the navy-lists, another corps; their motto I see is, "*Per mare, per terram.*" I do not know which element they prefer, but this I know, that on either element the services of the Royal Marines have never been surpassed. Well, the senior first lieutenants on the effective list of that corps have been twenty-eight years in the service, and there are seventy lieutenants who entered the corps previous to the peace of 1814. I ask the House if there is not ground for dissatisfaction in that corps? It will be said, that casual promotion has been going on in the army, as well as in the navy. So it has; but the great promotion in both services has been to another world. Since 1830, death has removed from the army three field-marshals, forty generals, fifty-four lieut.-generals, and fifty major-generals. Their number may not be quite accurate, as a few may have sold out. I am not aware of the number of inferior rank who have died, nor do I know the amount of the diminution of half-pay, but it must be very great, and no power on this earth can stop that diminution. If that be the case, and that we are fixing no permanent burthen on the country, this House I am sure would take the opportunity of doing an act of justice to the army and navy, by anticipating, if it were possible to anticipate, the kind and generous feeling of our gracious Sovereign towards his older officers. I am aware that I cannot possibly give satisfaction to those whose cause I endeavour to plead, but I think they cannot misconstrue my motives. I have been told, and I believe it to be the case, that many modes may be suggested to ameliorate the condition of the various ranks in the army and navy. But there are in this House, as well as officers connected with both services, men of high honour and integrity, and of great professional experience, and on whom that task must devolve, and they, I am sure, will not consider it a task. But, Sir, as I said before, my object is a present remedy for a present and increasing disease of dissatisfaction and disgust. I have shown the paltry sum which will be required for the navy; and I will undertake, for a sum not exceeding 25,000*l.*, to give, I hope, comparative satisfaction to the army. I have shown, I hope satisfactorily also, that both sums will be reduced in amount much more than one-half in less than two years, and that it is but a temporary advance. I will undertake to do it for less, and will find security to my right hon. Friend, the Chancellor of the Exchequer. I feel confident, when his Majesty chooses to exercise his prerogative by rewarding the older officers in both services, this House will place the necessary means at his disposal.

Mr. *Barlow Hoy* rose to support the motion. As the hon. Gentleman who had brought the subject under the notice of the House had so fully explained the hardship inflicted on the officers of the navy by the want of adequate promotion and encouragement, he would confine himself to the case of the officers of the army. The hardship upon officers of the army, from the want of adequate promotion, was much greater now than formerly, for there were now no battalions into which an officer could retire upon full pay. By an order made in 1830, no officer was entitled to retire upon half-pay, until such time as the expense of that branch of the public expenditure should be reduced from 140,000*l.* to 40,000*l.* He could not see any reason why the officers of either military service should not be held as much entitled to consideration as the officers engaged in the civil service. Now, let them, for example, take the case of military officer thirty years in the service, whose pay was 600*l.* a-year. Upon his retirement, he would be entitled to a retiring pension of 146*l.* a-year, whilst a clerk in the civil service, receiving the like salary, would be, after the same period of service, entitled to a retiring allowance of 450*l.* per annum. He believed that there was no service under the Crown in which there was not some chance of retiring on a full allowance, unless it was either the army or the navy. Officers in the service of the East-India Company were better off than those in the King's service, and after both had served in India for the same period, the officers in the King's service returned home lower in rank, and worse provided for in every way, than the officers in the employment of the East-India Company. Though the pay of the officers of the French army was lower than ours, yet, by the circumstance that the half-pay of the army of that country was increased in proportion to the length of service, the officers of the French army were, in general, after any considerable period of service, enabled to retire in better circumstances than the English officers of the same standing. With respect to the slowness of promotion in the navy, he could mention the case of an officer in the navy who was forty years in the service, and who had been thirty-four times in battle. His last service was on the coast of Africa, and he had returned home with health impaired, and had been subjected to law-suits in consequence of circumstances that had occurred in the execution of the command that he held under the Crown. Yet this individual, notwithstanding that long period of service, was still in the rank of Commander. The hon. Gentleman concluded by expressing a hope that something would be done to remove the hardship complained of.

Viscount *Howick* said, it was for him no praise to feel, in common with other Members, the claims which old and distinguished officers possessed on the consideration of the House and the country. He believed that many of those individuals had experienced great disappointment from the want of promotion consequent upon the close of the war. This was in a great degree the cause of the hardship complained of. He was most willing to acknowledge the claims that these officers had upon the House and the country; yet he felt bound to take other circumstances into consideration. He could not forget, that in the year 1833, a Committee was appointed to investigate the subject of the army and navy appointments. The resolutions which that Committee came to, strongly recommended that, unless in some exigency of the public service, no additions should be made to the generals and flag officers. On that Committee there sat many Gentlemen of both services, who naturally felt the fullest anxiety for the interests of both, and he had never heard that any opinion was expressed dissenting from the resolutions that that Committee then adopted. At the present time there were no less than 360 general officers, and for these the whole army did not find employment in the proportion of more than one in ten. The whole number in actual command did not exceed from thirty-six to forty. In the estimates of the year the amount for general officers unattached was 106,000*l.* Taking into consideration the recommendation of the Committee three years ago, he did not feel that at present the Government would be justified in proposing any measure on the subject. When he said this, he was at the same time bound to state, that he felt that it would be necessary, in the course of the next Session, to bring the subject fully and distinctly before the House. The hon. Member had alluded to a case of retarded promotion in the artillery service, but the slowness of promotion in the individual case alluded to, arose from the system on which that service was conducted. In dealing with this subject, Ministers were anxious to bestow rewards upon deserving and meritorious men, but at the same time, recollecting that the country was anxious for a diminution of its burdens, they did not feel at liberty to recommend just now any measure upon the subject. They were now paying the penalty of want of consideration at former times. If means had been taken to check and diminish the too great increase of the army-list at a former period, the complaints which they now heard would not have become necessary. With respect to the promotions that had taken place in the navy within a period of five years, he found that in the two years preceding 1830, that was in 1828 and 1829, the promotion of lieutenants amounted to 213; whilst in the years 1831 and 1832 the number was eighty-four. In 1828 and 1829 there were 139 commanders and fifty-seven captains promoted; in the subsequent two years the appointments were thirty-one commanders and seventeen captains. At the same time means had been taken to restrict the admission of midshipmen into the naval service. But that the burden of the dead weight was already so enormous, he was sure that the House and the Government could find no greater pleasure than to pay that tribute to meritorious service which was so justly its due. His Majesty's Government did not feel at present that they should be authorised to propose a general brevet, or an extensive promotion in the navy, but it would be the duty of the Government to look into the whole subject, and in the course of the next Session to bring it under the consideration of the House.

Sir *Henry Hardinge* regretted to have heard the observations that had fallen from the Secretary at War. Nothing could be more disheartening to both services, than to hear a declaration from the Government that no brevet promotion was to take place this year. The reduction in the number of general officers, since the diminution of brevets, had become considerable. They had been reduced from 550 to 360, thus making a diminution of 190 general officers since the war. He thought that this reduction was a reason why promotion should be given to the officers of the army. The pay of the officers of the army was lower than that of those engaged in the civil service, and that was a reason why the encouragement of promotion should be held out to them. The House would recollect, that at the conclusion of the war a considerable number of officers were placed on half-pay. That arose out of the exigencies of the service. The right hon. and gallant Member contended that a great diminution having since occurred, it was an additional argument why the hopes of the army should be kept up by additional promotion. It had for a long period been the custom to hold out encouragement to the officers of the army by small brevets, about every sixth year. This was now the seventh year since a brevet had taken place, and he did not know anything more calculated to dispirit the officers, than the declaration of the noble Lord that no brevet was to take place. In 1814 a brevet was issued, by which many general officers were raised to higher rank and additional pay. He admitted it was an expensive brevet. However, if there was anything to complain of on that score, he was sorry that the noble Secretary for Foreign Affairs was not there to defend it, for that noble Lord had signed the warrants. That brevet had been rescinded in 1818, and a saving to a very large amount had, in consequence, been effected. When it was considered that the half-pay of the officers who served at Waterloo was the same as of those who had served at Blenheim, and that no increase had taken place for upwards of a hundred years, whilst a considerable increase had occurred in the pay of those employed in the civil service, he considered it a reason why the army were entitled to consideration. In fact, he did not wish to make any distinction between either service, for he thought, when speaking of the service generally, that each of its branches had equal claims to consideration, and he was sure it was the wish of the Members of both to make no distinction between them. He believed that a brevet sufficient to satisfy the expectations of the army; would not have produced an additional expenditure of more than 10,000*l*. The last brevet had not exceeded 11,000*l*. He wished that the noble Lord had devised some means by which hope would be held out to the officers of the army, for he considered that nothing could be more disheartening and unsatisfactory to both services, than the declaration of the noble Lord.

Viscount *Howick*, in explanation, contended, that after the resolution of the Committee of 1833, the Government were not in a condition to propose any recommendation on this subject. He did not think it would be for the interest of the country, nor for the interest of either service, that they should do so under the present circumstances. With respect to the anxiety of the Government on this subject, he had last year, when he succeeded the late Secretary at War, the honor to add a supplementary estimate, increasing the pay of general officers to 400*l.* a-year.

Sir *Henry Hardinge* contended, that it was the duty of the Secretary at War to propose an augmentation of this description, when he had ascertained it to be the pleasure of his Majesty that it should take place. If it was his Majesty's pleasure, it was then the business of the Secretary at War to propose it to the House. The right hon. and gallant Gentleman proceeded to explain the constitutional grounds on which that augmentation had been delayed at the period referred to by the noble Lord.

Sir *Ronald Ferguson* deprecated the narrow economy which would alienate the good will of some of the bravest and best officers. The regular united service was not even on an equality with the East-India Company's troops, for these latter had a half-pay at a fixed period of service, which went on increasing from time to time. He would implore his Majesty's Ministers not to disgust some of the best officers in both services.

Sir *John Elley* was sure that the officers of the army and navy would feel much indebted to the hon. Member who had brought this subject forward, and he trusted that it would have a good effect. He was a major-general of seventeen years' standing, but though he did not feel particularly desirous of any further promotion, he certainly felt anxious that many deserving men, who were at present below him in rank should, receive that promotion to which they were justly entitled. Even advancement, however, so far from being serviceable, was sometimes injurious, for there was this anomaly in the army—that a lieutenant-colonel when advanced to the rank of major-general in most cases found himself worse off in point of emolument than he was before. The junior class of officers, whom he might call the operatives of the navy, and who endured more danger and fatigue than any other, had neither the repayment of promotion nor distinction; for on almost every occasion when badges or medals were given out for any brilliant action, they were overlooked. He would particularly press the case of the artillery corps on the attention of the House and the Government. The artillery was the most efficient arm of the British force in the field, and they were exposed to more danger during the war than the artillery of the French, because, while the object of the latter was to dismount the guns, that of the former was to reduce the numerical strength of the enemy, and the manner in which they executed their hazardous duty during the frequent opportunities he had of witnessing it, had always excited his admiration. He thought the motion of the hon. Member well deserving the consideration of his Majesty's Government.

Captain *Berkeley* coincided with what had been said with respect to the class of officers below a certain rank, and it was the same in the navy as in the army. Midshipmen, not boys, but young men of six-and-twenty and eight-and-twenty years of age, and who had served for ten years, if they obtained a ship would be only entitled to the paltry sum of 50*l.* a-year, and if they had not a captain to give them a ship they would get no pay at all. What inducement was that for young men to undergo the severity of the strict examination for a lieutenancy; the British navy felt that it was now neglected when its services were not called for; yet though the hopes of those in both the naval and military branches of the service were to be blighted for another year, still, as the noble Lord held out some hopes, and as they believed that Government intended well, he would trust to the future for something that would give satisfaction.

Mr. *Hume* was sorry that the motion had been brought forward, as it was the proper office of the House of Commons to be a check upon the Government, and it ought not to be hurried on by a motion like that before it, to consent to adopt a principle of extravagance that would be wholly unjustifiable. He must say, that throughout the whole of the debate, from the first speaker to the last, the only subject referred to had been the situation of the officers, that of the privates and subordinate officers had never been once alluded to; the question had been considered in a partial, and not as it ought to have been, in a general point of view. If the recommendations which he had submitted to the House in the years 1819, 1820, and, 1821 had been attended to, the circumstances which had given rise to the present motion would never have existed, because on those occasions he had strongly pointed out the expediency of calling in officers from half-pay to active service, instead of appointing young persons to new commissions. In fact, a large portion of the dead weight, on account of the army, was incurred to remunerate those who had seen no service at all. If the practice which he at the periods in question so strongly deprecated, had not been kept up, that just ground of complaint, of officers of eight or nine years' standing, attaining the rank of lieutenant-colonels in the army, and post-captains in the navy, would not have existed. Whilst he deplored the state in which the artillery and marines were placed, yet in considering the question of conferring additional honours, he could not overlook the claims which others had to participate in those honours—he alluded to those whom he would call the operatives of the army and navy. If promotion had been, as he had suggested, fairly distributed, there could not now be the grounds of complaint that were made, nor would persons of nine years' standing be commanding in the army and navy. The present complaints were all owing to the system of promotion which had been pursued by former Governments. He knew that cases of hardship did exist in consequence; but, at the same time, when he heard officers complaining that there were no retired allowances allotted to certain classes of officers, he would ask whether there were not many other classes of industrious individuals in society, who had no retired allowances after they had ceased to be able to work. He believed there was no service so well paid as that of England, and that there was no service so ill-used, with regard to promotion, as the English service. Officers were promoted in it who had no talent; or, at least, if he admitted them to have talent, they certainly, in most cases, owed their success to the superior influence of patronage. With regard to the motion of his hon. Friend, he really could not see how, in the present state of the country, and with the small surplus which the Chancellor of the Exchequer had to deal with, the views of his hon. Friend could be entertained by the House. Under these circumstances, he regretted that the present discussion had been introduced, as he certainly could not give his hon. Friend that support which he could otherwise have wished.

Sir *E. Codrington* contended, that the interests of the naval and military services were not sufficiently attended to. He thought prize-money might have been more advantageously appropriated by way of remuneration. No naval officer was allowed table money, not even the Admiral, until he was on his station. He thought naval officers were much worse off than military. According to the regulations of the army a lieutenant-colonel might in twelve years be made a major-general, and in thirty-five years a naval officer might not be able to attain equal rank. He knew an instance in which there was 150,000*l.* prize money, and when a distinguished naval officer applied to Lord Liverpool for his portion of it, his Lordship said he knew of no such fund. In a maritime country like this the interest of the navy and of the army also was of prime importance. In a civil office, clerks would be allowed to retire after half the period of service, and on double the pay compared with naval officers.

Captain *Pechell* supported the motion. There were 700 midshipmen who had passed examination—of these 200 were unemployed, and of the 500 who were employed some were paid so little as 10*l.*, 20*l.* and 40*l.* a-year. He knew a very meritorious officer who was twenty-five years a midshipman. He was not only married, but a grandfather, and he had stood godfather to his grandchild. Who could suppose a midshipman a grandfather? He really hoped the Government would not require much prompting in a question so important as this.

Captain *Dundas* said, that seventy-five naval officers previously alluded to were appointed in 1802, and were now supporting themselves on 240*l.* a-year each, while military officers of the same standing were now general officers.

Captain *Boldero,* in support of the motion, instanced the case of an officer who had been in sixteen general actions, and received the thanks of three Sovereigns, but received neither rank nor emolument in the British service. Had he been in any other service he would have obtained the highest promotion. The gallant Member maintained that in every department of the civil service, which was not so laborious or hazardous as the naval or military, promotion and compensation were infinitely superior.

Mr. *Charles Wood* was understood to say, that the Admiralty would be glad, and were always glad, to entertain the claims of old meritorious officers; but they had a duty to perform to the public, which frequently rendered it difficult for them to accede to every application. There could not be so much promotion in times of peace as under a war establishment, and it was the number of promotions in time of war that rendered these applications so numerous.

Returns were ordered.

DISABILITIES OF THE JEWS.] Sir *Robert Inglis* begged to know from his right hon. Friend the Chancellor of the Exchequer, whether he intended to bring on that night the motion of which he had given notice. The question was one on which the House was not agreed; and, from the importance of the question, he would put it to the right hon. Gentleman whether he thought it desirable at that late hour of the night to raise a discussion upon it, especially as the House was not very full?

The *Chancellor of the Exchequer* said, if the question were to be discussed for the first time now, or when it was brought on before there was a decision of the House against the Bill, there might be some grounds for postponing the consideration to another time. But when that House and the country had already pronounced in favour of the Bill, then he would not be acting fairly or on principle if he postponed it that night. He would occupy but little of the time of the House, and would therefore move "That the House resolve itself into a Committee, to consider the civil disabilities affecting his Majesty's subjects of the Jewish persuasion."

Sir *Robert Inglis* said, that as his right hon. Friend had not given any reasons why he called upon the House to resolve itself into a Committee, he should content himself with simply negativing the motion proposed. Two petitions had been presented in favour of such a measure as that which it was proposed to bring in; and was that a sufficient reason for the motion? He believed, that he had before stated, what was admitted by every hon. Gentleman, that there had not been presented a single petition from the Jews assembled together as a religious body, in favour of a measure for the removal of their civil disabilities. No petition had emanated from any synagogue, nor had it ever been debated in that House that any Chief Priest or Rabbi had given their support to a Bill for their emancipation, as it was termed. That fact alone, he thought, was a reason, regarding the matter as a religious question affecting our duties, as well as their (the Jew's) rights, which was deserving of more attention than it had received. He believed that not only had no great body of the Jewish people of this country forwarded to the House any prayers for the concession of that object, which the Chancellor of the Exchequer then proposed to grant, but, on the contrary, that he was correct in stating that some of them, on other than civil grounds, objected to the motion itself. He believed that many of the Jews felt, that the concession which was sought to be forced upon them was one which they could not receive consistently with their own religious character. The Jews were not a creed but a nation—they still called themselves a nation, and there existed a great distinction between the two. They were not Germans or English, but they were Jews, and in that character, and in that sense only, they wished to be recognised. Now he would not quote Christian authorities upon this subject, he would quote the authority of one of the Jews themselves; he would quote from a Jew who was known to his right hon. Friend, because he resided in the borough which he (the Chancellor of the Exchequer) represented. He alluded to the Rabbi Cruz, a person eminent for his learning. He would quote from this authority especially, as a witness to be received before others, because he was a witness to the wishes and obligations of those whose conduct he superintended. What was the language adopted by this eminent person to one of his brethren on the subject of emancipation, as it was called, in a pamphlet published at Cambridge, entitled "An Answer to a person signing by an initial, for the emancipation of the Jews, by the Rabbi Cruz, Professor of Hebrew at Cambridge." This author declared that any one desiring emancipation acted against the ALMIGHTY! and that he was entitled to think so of his own community; whilst others by granting it, gave the highest praise to GOD! He could quote other passages of equal force, bearing upon the subject, but that he did not wish to weary the House by doing so. There was, however, one passage bearing on the point, that the Jews were not, in their own opinion, the natives of any nation, but a people or nation of themselves, which he should beg leave to advert to, because it affirmed most emphatically the position which he had originally insisted on. When the writer of the work to which the pamphlet was an answer, claimed the rights of an Englishman on the ground of being born in England, the learned author replied in it, "You are not an Englishman, you are a foreigner; you are no British subject, you are one of the nation of the Jews." He should say nothing more than that if the Jews had cause of complaint, it was free for them to come forward and prefer their complaint. Why did they not do so? It might be said, as the writer to whom the pamphlet was written in reply said, that because they were born in England they were Englishmen, and entitled to the rights of Englishmen. He denied it. When a body of people separated themselves voluntarily from those among whom they resided, they were no longer entitled to participate in the privileges enjoyed by those from whom they had separated. It was so with the Jews. They called themselves the Jewish nation; they did not boast in the title of British subjects. Being born in England gave no exclusive right to the title of Englishmen. The Jews had wealth, riches, beyond most people; they had protection, they had equal rights in the eye of the law—everything but political power. He (Sir R. Inglis) would take it for granted that the Bill proposed to be introduced by his right hon. Friend was the same as that introduced by Sir Robert Grant in the year 1834; and, therefore, that the tenor of it would be to abolish the words in the oath, "On the true faith of a Christian." Now, what would be the consequence of that abolition? The only words which designated the nation as Christian would be erased from the records. He would call on the House to say whether, at any period of our history since we had become a Christian people, any individual had been admitted to civil power who had not made the declaration that he was a Christian? and he would then ask if it was prepared to get rid of that last security for Christianity, and place the affairs of this country in the hands of those who not only were not Christians, themselves, but who also believed Christ to be a blasphemer and an impostor? In doing so, the House would be doing what it could to deprive the country of all security, that its affairs would, for the future, be administered on Christian principles. If Jews were admitted to legislative power, by a parity of argument every other description of religionists or non-religionists should be admitted to it also. It was a most important question, and one which should not be carried through even its first stage in a House so thinly attended, and at such a late hour of the night. It might, no doubt, be said, that it was not its first introduction to Parliament. He admitted it; but still he could not help thinking that it would have been much more courteous of his right hon. Friend if he had postponed it until those who usually took a part in similar discussions were present. With respect to the main question, he would ask the House whether a community of Jews would admit Christians to legislate for them? The answer was obvious. They would not. Was it then, to be considered a necessary liberality on the part of Christians to admit Jews to govern them? It might be said, that the number of Jews likely to be admitted would be very small; but to that he should answer, that he had learned from late experience to put no faith in such assertions. Besides, however few they might be, their talents and their zeal might be sufficient to compensate for their deficiency in numerical strength, and enable them to do their will as effectually as if they were in greater force. Believing that any power which might be conferred on the Jews would be exerted against and not for the Christian creed, he was not one of those prepared by granting any concessions to them to add a new danger to the external fabric of the Church (the internal fabric was protected by a higher power than that of man), or put it in the power of a Jew, Turk, Heathen, or Infidel to do more harm than had been already done to the Christian religion. He felt deeply concerned that by such and similar concessions as that proposed by his right hon. Friend, by little and little, all security for the continuance of Christianity as the religion of the country would be entirely frittered away. With that conviction strong upon his mind, he could never consent to the proposition of his right hon. Friend, in any of its stages. He believed it to be as unlawful for the British legislature to grant the concession contained in it as it would be for the Jewish people to receive it, and he felt bound to warn the House of the consequences likely to flow from it if it were to be carried into execution. It would be a practical removal of every test of religious belief in affairs of State. After that it would be of no consequence what religion the Legislature of this country might possess. He would go farther, and say it would be of no consequence whether [it had any religion or not. He was surprised that a House calling itself Christian should cheer such a contingency. Was the cheer a delicate expression of opinion, or was it only a hasty exclamation without thought? He hoped the latter. In opposing the proposition of his right hon. Friend with all his power, he believed that he was only discharging a duty to his country.

The *Chancellor of the Exchequer* gave his hon. Friend full credit for the conscientious part he had taken; but he claimed equal credit for himself in that which he had pursued and meant to pursue on the question before the House. He was decidedly and distinctly opposed to the view taken of it by his hon. Friend. He did not, in the first instance, mean to have trespassed on the attention of the House; but he should now beg its indulgence for a few moments, in consequence of what had fallen from his hon. Friend on the subject of his motion. His hon. Friend had said, that there were no petitions of any importance in favour of the motion. To this he would reply by referring him to those from the great commercial communities of London and Bristol, and also to those from Portsmouth, Devonport, and other places. These petitions were not only important from the circumstances of number and locality, but also from the fact that the petitioners were in close communication with the great body of the professors of the Jewish faith in this kingdom, and had, therefore, an opportunity of acquiring an accurate knowledge of their habits, moral and social, and their political feelings and opinions. The Rabbi Cruz might think what he pleased on the subject, and express his opinions as strongly as he chose, but the question was not to be decided by his opinions. It was a question of principle—a question not involving any insensibility to a religious belief, as his hon. Friend would fain imply, but involving the principle that civil and religious functions were essentially different in their nature. It was urged by his hon. Friend that the Jews believed themselves a nation, and did not look upon themselves as of any people among whom they resided. Did that make any difference to them in the amount of the King's taxes—did the collector abate a shilling for that cause—were they exempt from the consequences of high treason for it—were they not, in fact, equally liable to all the burthens of the State as their Christian fellow-subjects? Why then should they be debarred a participation in the rights and privileges claimed and enjoyed by them? If they were alien in feeling to this country, who made them so? Who but ourselves and our barbarous statutes? But the public had long since decided in favour of the question of removing the civil disabilities of the Jewish people. When two candidates for public honour, one a Jew, the other a Christian, came before them, they almost invariably decided in favour of the former. After such a manifestation of public feeling, was the House prepared to keep on the statute book the last miserable remnant of barbarism and religious persecution? His motion was more to release the Christians from disgrace than the Jews from disabilities. The Jews worshipped the same God as we did—from their scriptures we derived much of our religion and of our moral law. To exclude them from civil rights would be to assume the function of the Deity. We had no hesitation n associating with Jews—in dealing with them—on some occasions we contended for their good offices, and wished to stand well in their favour. Why, then, oppose their being made equal with us in civil privileges? He had no view to disgrace the Christian religion in the amendments he proposed in the statute law, but to render it all due honour by clearing away the impurities which clung to it under its name. He trusted the House would, therefore, allow him to go into a Committee, that he might bring in the Bill which he meant to move for. It was precisely the same as that introduced by Sir Robert Grant, neither more nor less. He much regretted that the advocacy of the question should be confided to him, and he was sure so did those hon. Members who recollected the efficient and powerful support which the former Bill had received from Sir Robert Grant and Mr. Macauley. To those who had heard them, the remembrance would be better than his best arguments: to those who had not, he trusted that he had only to repeat that the measure involved an immutable principle of justice. It was the question whether, having removed from the statute book all religious disabilities except this, would the Legislature leave that one spot as a mark of the foul cancer which had so long gnawed and defaced our Constitution?

Mr. *Estcourt* deprecated the unseemly

period of the night at which his right hon. Friend had thought fit to bring on his motion; and he thought that it was not too much of his hon. Friend near him to ask a postponement of it to a more fitting occasion. Though the question was one which had received the assent of that branch of the Legislature, it had by no means its unanimous concurrence. Under these circumstances, it was not a question to be brought forward at such a late hour in such a thin House. The proposition of his right hon. Friend was an insidious way of undermining all religious distinctions. If it were not, why was a Jew to be preferred to a Mahometan? If it were affirmed the Legislature would be open to all sects and denominations alike, were hon. Gentlemen prepared for that consummation of things? He, for one, was not; and he should never give his vote in favour of any proposition which went to undermine Christianity as the religion of the land. The hon. Member concluded by protesting against the introduction of such an important question at such a late period of the night, when the benches were empty.

Mr. *Robinson* said, that he should always support any proposition for doing away with any species of civil disability on account of religious opinions. The hon. Baronet had alluded to the paucity of petitions in favour of this motion, but the House had already passed the principle of the Bill by a numerous majority, and therefore there was no need of such an expression of national opinion at the present. If, however, the people of England thought (as the hon. Baronet, the Member for Oxford, alleged) that there was any security to the Christian religion in preserving this miserable remnant of a barbarous code, why did they not evince their conviction by petitions against the Bill? He believed that the Christian religion had never derived any support from that intolerant statute which it was proposed to repeal; but, on the contrary, it had suffered the greatest disgrace and injury in every country where it had been adopted.

Colonel *Thompson* begged, as a man who had passed a considerable portion of his life amongst his Mahometan fellow-citizens, to express an earnest and sincere hope that the time was not distant when we should get rid of the stigma of having in that House placed any man under political disabilities on account of his religious creed. He should very much like to know at what precise moment it was, that the professors of Christianity made the discovery, that it was essential to the existence of their religion that the professors of all other religions should be deprived of political rights. He, for one, was a follower of Him who said, "Do unto others as ye would they should do unto you;" he could not congratulate the hon. Gentlemen opposite that they were of the same faith and creed. He protested against the disgrace and the discredit of allowing that they stood there as Legislators, not because their interests were involved in the welfare of a certain country, but because they were the professors of a certain faith. He trusted that the time was not far off when this stigma would be removed, and that persons of whatever faith, whether Jews, Mahomedans, or any other, would be admitted to that House whenever they were found worthy of the confidence of a constituency.

Mr. *Plumptre* was glad the hon. Member for Oxford had taken his stand against this Bill, and believed the great body of the people would be sorry that the Chancellor of the Exchequer had thought it necessary to bring in such a measure. He would not have lent himself to such a Bill if he had looked, as he ought, to Him by whom kings reign, and by whom princes dispense justice. He did not know how they could hope for a blessing on their labours, if they gave their assent to a measure that went to introduce into that House a people who said that the great Head of the Church was a blasphemer and an impostor.

Mr. *O'Connell* said: Yes; injustice had its reward—iniquity had its reward—there was a blessing attending the imposition of the burthens of the State on the shoulders of the Jews, but there was no blessing attending the doing them justice. He denied that hon. Gentlemen opposite who upheld the principle of persecution, were actuated by Christian principles, and he wished to know by what right they dared to assume to themselves, as legislators, the principle of infallibility? He declared that the debate was disgraceful to the country. He could not refrain from the expression of his abhorrence of the odious and unchristian avowals of the opposers of this Bill. The hon. Baronet who led that opposition had been driven from one position to another, and, failing in exciting the bad passions of hon. Members against the

Jews as heretics, he had denounced them as worthy of exclusion as infidels. But the House had no way of keeping out heretics. It was, indeed, an ugly word, and might be retorted. [*Hear.*] He wished the noble Lord opposite would speak up, and not keep contradicting him in that tone. Perhaps he could tell him what a heretic was. Perhaps he would define it—anybody who was not a member of an Orange Lodge. All that they had to do with any individual who applied to enter that House, was to find that the constituents of the place he came from had thought him a proper person to represent them. He would be the first to declare the importance of religion to the individual; but he held that it was impossible for men to judge of each other's creeds and consciences; and it was expressly forbidden them to do so. He was surprised that any one in that House should think of using the sword of the law in any shape on account of conscientious differences of opinion, in the present day.

Colonel *Perceval* did not think it necessary to justify the speech of his right hon. Friends, or to defend them from the coarse attacks with which the hon. Member for Kilkenny took every opportunity of assailing them, and vilifying their motives. They, and he also, had understood the scope of the motion to be, that henceforth Jews, infidels, Mahometans, and heretics, would be welcome there! Thus, it was now openly and shamelessly avowed, that it is indifferent whether the Christian religion be any longer characteristic of this House—whether it is or is not to be received as part and parcel of the law of the land. The hon. Member for Kilkenny had declared, that there was no way of preventing heretics entering that House; but he insisted there was, for when a new Member presented himself at the Table, he must declare himself a Christian.

Mr. *O'Connell:*—No, no.

Colonel *Perceval* said, that if the oath was read, they would find that it was essential to the character of a legislator of that House that he should be a Christian.

Mr. *Scarlett* said, that it appeared to him that the nation already suffered considerable inconvenience from the introduction of too many classes of citizens into its legislation. Other States had similarly suffered. Rome itself at length fell a victim to the extension of the rights and privileges of citizenship to the multitudes she ruled over. He had as great a respect for the Jews as he had for Mahomedans, but he believed they had not a sufficient respect for the English nation to entitle them to seats in its Legislature. They were so distinct a people that they would never amalgamate with Christians. They would always have a Jewish party in the House, as they had a Roman Catholic party, and he believed they did not find that very convenient or agreeable. The Jewish party would, like the Roman Catholic, be always found ready to join, and further any discontents that might exist, and cause endless annoyance.

The House divided—Ayes 70; Noes 19;—Majority 51.

The House went into Committee. Resolutions proposed were agreed to.

The House resumed.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Angerstein, J.
Baines, E.
Baldwin, Dr.
Bannerman, A.
Baring, F. T.
Bish, T.
Blake, M. J.
Brady, D. C.
Bridgeman, H.
Brocklehurst, J.
Browne, R. D.
Chalmers, P.
Collier, J.
Crawford, W. S.
Ewart, W.
Ferguson, Sir R. A.
Gillon, W. D.
Grattan, J.
Grattan, H.
Handley, H.
Hawes, B.
Hay, Sir A. L.
Heathcoat, J.
Heneage, E.
Hobhouse, rt. hn. Sir J.
Horsman, E.
Hume, J.
Ingham, R.
Leader, J. T.
Loch, J.
Lushington, Dr.
Lynch, A. H.
M'Namara, Major
Maher, J.
Molesworth, Sir W.
Morpeth, Lord
Murray, rt. hon. J.
O'Brien, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Conor, Don
O'Loghlen, M.
Parker, J.
Parrott, J.
Pease, J.
Pechell, Captain
Philips, M.
Potter, R.
Pryme, G.
Rice, rt. hon. T. S.
Robinson, G. R.
Roche, W.
Scrope, G. P.
Strutt, E.
Talbot, C. R. M.
Talbot, J. H.
Thompson, Colonel
Thornely, T.
Trelawney, Sir W.
Tulk, C. A.
Wakley, T.
Wallace, R.
Warburton, H.
Wason, R.
Wemyss, Captain
Wilson, H.
Young, G. F.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Agnew, Sir A.
Boldero, H. G.
Chisholm, A. W.
Cole, Lord
Estcourt, T.
Forbes, W.
Forster, C. S.
Hale, R. B.
Hamilton, G. A.
Hardy, J.
Hay, Sir J.
Longfield, R.
Lowther, Lord
Maunsell, T. P.

Perceval, Colonel
Plumptre, J. P.
Rushbrooke, Colone
Thomas, Colonel
West, J. B.

TELLERS.

Inglis, Sir R. H.
Scarlett, hon. R.

HOUSE OF COMMONS,

Wednesday June 1, 1836.

MINUTES.] Bills. Read a second time:—Loan Societies (Ireland); Civil Offices' Declaration.

Petitions presented. By Mr. POWER, from various Places, for Excise Licences' (Ireland) Bill.—By Sir G. STRICKLAND, from Barnsley, for Repeal of the Duty on Newspapers.—By several HON. MEMBERS, from various Places, for Abolition of Tithes (Ireland).—By several HON. MEMBERS, from various Places, not to agree to the Lords' Amendments on the Municipal Corporations' (Ireland) Bill.—By Sir GEORGE STRICKLAND, from Bradford, and Mr. BROCKLEHURST, from Chorley, for Amendment of the Factories' Regulation Act; and for a Ten Hours' Bill.—By Viscount ACHESON, from Lisnadill, for an Alteration of the Law relating to Landlord and Tenant; and from Markethill, for a Law to Prohibit the use of Spirits by the Lower Orders; and from Armagh, for a Protecting Duty on the Importation of Flax (Ireland).—By Mr. BROCKLEHURST, from Brewers and Retailers of Beer in Macclesfield, to be placed on the same footing as Licensed Victuallers.—By Mr. GUEST, from Merthyr Tydvil, for Revision of the Criminal Code.

IRISH TITHES AND CORPORATE REFORM.] Mr. *William Roche*, in presenting a petition from the city of Limerick, said, that it was signed by no less than nine thousand citizens, and expressed in terms strong and emphatic, yet not too strong or energetic for the painful necessity of the occasion, their indignant feelings on the injustice and degradation attempted to be put upon the people of Ireland by being pronounced, not in this house, but in another place, unworthy or incapable of enjoying those free municipal institutions which had been recently conferred upon the people of England and Scotland, and from which the people of England and Scotland had, even already, experienced considerable advantages. The people of Limerick and of Ireland felt that, like individuals, if nations tamely submitted to humiliation, the insult was sure to be repeated, until at length every scintilla of national right and national dignity would be trampled in the dust. Ireland associated herself with this country on terms of perfect equality and reciprocity. She had performed her share of the compact fairly, fully, and honourably, and she, therefore, claimed from this country, as the other contracting party, the same share of faithful and honourable bearing. If she obtained it all would be right, but if she did not, it was an universally admitted maxim that the violation of a compact by one party liberated the obligations of the other. It was, therefore, that the petitioners implored the House to stand firm in the maintenance of perfect justice to Ireland, and thereby to ward off the fearful consequences that might result from discontent and collision; for Ireland, while willing and ready to abide by every covenant in her engagement, was resolved not to yield up a particle of her rights or her honour. In looking to the tranquillity and prosperity of Ireland, the petitioners could not pass by that interminable source of discord, strife, and bloodshed—the tithe system; but as that topic was appointed for discussion this evening, he forbore any present comments upon it.

Petition laid on the Table.

TITHES AND CHURCH—(IRELAND).] Lord *John Russell* said, that notice of an amendment to the Order of the Day for the Second Reading of the Irish Church Bill having been given by the noble Lord opposite (Lord Stanley), he rose to state that he should offer no opposition to the introduction of the noble Lord's bill, if the noble Lord's motion was submitted to the House as a substantive one. He should then treat it in the same way as he last year dealt with a motion made by the Chief Secretary for Ireland for leave to bring in a bill relative to tithe in Ireland, and as he had dealt with the motion of the right hon. Baronet (Sir R Peel) for a bill to provide for the voluntary commutation of tithe—that was to say, he should offer no opposition to the bringing in of the bill. But if the noble Lord's motion were to be made as an amendment to the order of the day, it would of course be impossible for him to agree to it.

Lord *Stanley* said, it was undoubtedly his wish to have his bill brought in, and he was also anxious to take that course which would at once be convenient to the Government, and likely to insure a fair consideration, both of his proposition and that of the Government. It had been his object to avoid the inconvenience of making his motion as an amendment to the second reading of the Ministerial Bill, but undoubtedly he did mean to offer his measure as a substitute for that. He would, therefore, take the liberty of asking a question in answer to the one which had been addressed to him. He wished to know whether, if he were to bring in his bill, his noble Friend would object to postpone for three weeks the second reading of the Government measure, in order to allow time for the printing and full consideration of his (Lord Stanley's) bill?

Lord *John Russell* undoubtedly would not consent to the postponement of the second reading of the Irish Church Bill. It had now been some time before the House, and hon. Gentlemen must be quite ready to come to a decision on its principle. It was not his intention to propose the commitment of the bill until some time hence; but he could not postpone the second reading of the bill.

Sir *Robert Peel* begged to say, that the course which the noble Lord (Lord J. Russell) proposed to pursue, of pressing his bill to a second reading, before his noble Friend (Lord Stanley) had an opportunity of introducing his measure, was contrary to the course taken with regard to his (Sir R. Peel's) bill for the voluntary commutation of tithe. It was true, that the noble Lord permitted the introduction of that bill; but when he (Sir R. Peel) proposed to read the bill a second time, an objection was taken to such a proceeding, on the part of one of the Ministers, on the ground that the House could not allow of the second reading of the bill, as a matter of course, because that would be an affirmation of its principle. If, therefore, the noble Lord was anxious now to pursue the same course as had been taken with respect to the bill for the voluntary commutation of tithe, he would consent to the postponement of the second reading of the Irish Church Bill, until the measure of his noble Friend (Lord Stanley) was introduced.

Lord *John Russell* could not consent to the postponement of the second reading of the Irish Church Bill.

The Order of the Day for the second reading of the Tithe Bill (Ireland) was read.

Lord *Stanley:* I hope the interest I have at all times taken in the question now under consideration, and the part which it was my lot to perform on various occasions in the discharge of my official duties, will, at least, vindicate me from any accusation of undue presumption in offering myself to the notice of the House at this early period. I can assure my noble Friend, that although I feel myself compelled to come forward upon this occasion, I do it, not undervaluing the importance, the difficulties, the overwhelming embarrassments of the subject, which I, as much as any man in the House, feel; and nothing should have induced me to take upon myself a task to which I am sensible I am unequal, excepting the consideration that it is the bounden duty of every man who has a competent acquaintance with the subject, to exert his humble abilities to the utmost, in order to offer a proposition which may afford a chance of finally settling a question which has embarrassed Government after Government, and overthrown Administration after Administration—which, so long as it remains unsettled, must interfere materially with the tranquillity and welfare of Ireland especially, and of the empire at large—which must foster unnatural enmities and unnatural alliances—which must keep up continued excitement and continued differences, not only between parties in this House, but between the two branches of the Legislature. If I thought, that the present state of the law was safe for the Church, creditable to the Government, or consistent with the maintenance of peace and tranquillity in Ireland, my task, on the present occasion, would be short and easy; because I should have little difficulty in exposing the vices in principle, and the many faults in detail, of the present Bill, so as to justify me in taking the straightforward and simple course of moving its rejection on the second reading. But I do not feel that the state of the law is safe for the Church, is creditable to the Government, or is consistent with the maintenance of peace and tranquillity in Ireland. It is true, no doubt, that by an Act, which I was fortunate enough to be the instrument of passing, the clergy, in a great portion of Ireland, are recovering their incomes with comparative ease, and in comparative abundance; that they are rescued from collisions with the peasantry; and, in fact, that they are at this moment in undisturbed possession of a considerable portion of their incomes. It is true, also, that, by the interposition of remedies which courts of law possess, the rights of the clergy have been vindicated under circumstances sometimes of great difficulty. It is true, also, that the patience, the forbearance, and the moderation of the clergy, for the most part, in Ireland, have been conspicuous. I think the worst enemies of the Church will not deny the general moderation and forbearance of the clergy of Ireland. I say, that the great majority of that body have borne, in an exemplary manner, the sufferings and privations with which they have been afflicted, individually and collectively. If hon. Gentlemen wish to have a clear and convincing proof of the estimation of that conduct in this country, I call upon them to look at the extraordinary liberality of their Protestant brethren on this side of the water. Their patience and forbearance have called forth a strong feeling of sympathy from their Protestant brethren in this country, and have afforded a striking and irrefragable proof that they will not allow the Irish Church to be overborne by the machinations, the frauds, or the violence of her enemies. It is because they have received this bountiful and kindly mark of sympathy—it is because their moderation has elicited this tribute of respect and condolence, that I desire in their amended circumstances, that the friends of the Church of Ireland, and the members of the Church of Ireland, should exhibit no less moderation in their demands, no less reasonableness in their concessions, than they displayed in the period of their lowest depression. Because extraordinary exertions of the courts of law have produced a partial remedy, I do not wish to see those extreme measures brought into use: it is because we stand in a comparatively better situation than last year that I desire to come forward and not to oppose the second reading of the Bill of my noble Friend, without submitting some definite and tangible proposition —not exposing myself to the charge of dealing in vague generalities and empty professions, but asking for the leave of the House, which I can hardly think will be refused, to bring in a Bill to show how far we are prepared to go. If I were to take the course pursued by my right hon. Friend, the Member for Tamworth, last year, and agreed to go into a Committee on the Bill, in order that we might separate the many parts to which we do object from those few to which we do not object, the labour would be hopeless and interminable; for my noble Friend has so ingeniously contrived to mix throughout the measure the principle to which we never can consent, with details in themselves so important as almost to rank as principle, that it would be impossible for us, as on the former occasion, to separate one portion from the other. But mainly I cannot do so, because Government is placed this year in a very different position to that in which it stood last year. We have not yet forgotten the course Government thought it their duty to pursue—a strange idea of duty in my mind—by refusing the great practical good both branches of the Legislature had consented to accomplish, unless it were accompanied by an assertion of the principle which they themselves admit could barely be brought into operation, mischievous in itself and dangerous in its application. They have told us, that we must not mind what other people offer—that we must not take the benefit the Legislature is disposed to give, and it is, therefore, my duty to appeal from Government to the House of Commons, and to the reason and moderation of the people of England, by stating what we are prepared to do—namely, frankly to deal with grievances which we frankly acknowledge; and to state thus far we will go readily and willingly, but no farther. It is on these grounds that, perfectly sensible of the difficulties which attend the attempt of any individual Member to bring forward a question of this magnitude, I have yet felt it my bounden duty not to shrink from addressing myself to the House. I trust, if the House should not ultimately agree to my proposition, it will, at all events, yield me its patient and calm attention, while I endeavour to lay before it the real state of the case, by adverting to the course which has been pursued, and the course we are all agreed in pursuing; and then, by endeavouring to show on how trifling a practical result we differ, although important in principle, which I am not at all disposed to undervalue. The legislation, with regard to the Church, may be classed mainly under three heads:—1. The nature of the revenue. 2. The total amount of the revenue. 3. The distribution and application of the revenue. The two statutes which more directly bear upon this question, are two Acts, both of which it fell to my lot to frame and prepare; one of which—I mean the Church Temporalities Act—was, however, introduced to the House by my noble Friend, Lord Spencer, then Chancellor of the Exchequer. I do not deal at all in this case with the various questions of discipline, pluralities, non-residence, or due subordination and control of the clergy, because these topics belong equally to the cases of England and Ireland; they have always been considered objects of great importance, but have always been sedulously kept apart—they are kept apart in my noble Friend's Bill, and I do not propose to entangle them. As to the three points I have named, the Tithe Composition Act dealt mainly, if not entirely, with the first —the nature of the revenue of the Church. Although the case must be familiar to many Members, I trust I shall not be thought guilty of impertinent repetition, if I call to their recollection what were the complaints made, the remedies proposed, and how far those remedies applied themselves to the real grievance. That Act sanctioned and laid down the principle, that for ever from that period tithe in kind should cease and be abolished—that it no longer should be raised as a tax upon the industry and capital of the occupying and improving tenant—that it should be converted into a rent-charge—that it should be a fixed payment, varying only with the price of corn—that it should be charged upon the land—that it should be levied, not upon the tenant but upon the landlord, and that a proportionate reduction, in consequence of his new responsibility, should be made in favour of the land-owner. So far as the great leading and crying grievances upon the tithe-payer were concerned, the Tithe Composition Act wholly and entirely met the evil. I say it broadly, and without hesitation or qualification, that, as far as regarded the interests of the tithe-payer—as far also as tithe was charged to be a tax upon his industry—as far as regarded the oppression and extortion of tithe-proctors, and as far as regarded collisions between the clergy and the peasantry, the Tithe Composition Act completely and effectually remedied the evil. And as with respect to the payments made by the tithe-payer, there is no alteration in the Bill now introduced by my noble Friend, than that the charge is thrown upon the landlord immediately, instead of waiting till the expiration of the lease, for which he receives—and I do not object to it—an increased reduction in the amount of tithe. But it unfortunately happens that, in the decision of this question, various and conflicting interests are involved—these are touched in different parts of the measure, some dealing with the amount, some with the payment, and some with the distribution—all with the most opposite views and intentions, but all supported by the declaration that one part of the Bill shall not pass without the other, thereby impeding and preventing the settlement of the whole or of any part of the subject. Most unfortunately for Ireland, most unfortunately for justice, and most unfortunately for the well-being of the empire—most unfortunately, too, for the embarrassment of his Majesty's Government, in an evil hour and for political purposes, they tied themselves down to that principle which my noble Friend so feelingly deplored the other day his inability to shake off. What do they declare? That they will not give peace to Ireland until a principle be sanctioned which they know cannot be adopted by the Legislature. Then, let us see who are the parties concerned, and what are their various interests. The landlord and tenant are in reality concerned in this, and in nothing but this—in the amount of reduction that shall be made, and in the manner in which the burden shall be placed upon the shoulders of the one instead of the other. But who else are concerned? Those who, from religious or other motives, are anxious to destroy the Church of Ireland; those sincere but mistaken men who think that this is the course to attain their object; those who desire to reform the glaring abuses of the Church; and also those economical (I suppose I must call them) politicians, who think they can screw out of the Church a miserable portion to effect some pitiful saving which would never be felt for a moment in the expenditure of the country, and who fancy that the power of extracting some 50,000*l.* a-year is a reason which ought to warrant the House of Commons in refusing to settle this question. It may be said, perhaps, that the tithe-payers have an indirect interest in coupling the question of education (for by a species of courtesy we must, I suppose, consider it a question of education) with the settlement of the tithe question. Undoubtedly they may have such an indirect interest if there be any one who expects to profit personally, or even in his connexions, by the result. They may have an indirect interest if they doubt the readiness of Parliament to provide the funds necessary for an object so important as the national education of the people of Ireland. But have they the slightest reason to doubt it? Has Parliament shown the smallest indisposition to give large and liberal grants for such a purpose? Do they really and seriously believe that there is one Member in the House—I will not except even the hon. Representative for Middlesex—who would say, "I will refuse you 50,000*l.*, unless you can obtain it by screwing it out of the revenues of the Church of Ireland? I will not pay any man so bad a compliment as to imagine him capable of such conduct. Therefore, we may assert that tithe-payers have no interest, direct or indirect, but in the first portion sanctioned by my noble Friend's measure and by every measure, only it is the Government which says that this shall not pass without something else. But what interest have landlords or persons through whose agency tithe payments are kept up? I know that through short-sightedness they may think they have a pecuniary interest in avoiding any payment by means of turbulence and disorder. It may be their object, therefore, to exasperate excitement—to encourage violence—to rouse the deluded peasantry for what cannot profit them, but may promote the payment of overgrown and extortionate rents. This may be the fault of the landlords of Ireland, although I hope but few are to blame; but I ask his Majesty's Government whether it will join in a proceeding to keep alive this excitement, and indefinitely to postpone the tranquillity of Ireland? I stated, that between the tithe-payers and the Church there will be but one question of interest—the mode in which the revenue should be raised. If no reduction is to be made in the amount, as respects the tithe-payers, who are to give precisely the same sum, the distribution must be a matter of perfect and entire indifference. It can be of no consequence to the Roman Catholic peasant whether this clergyman is overpaid or that underpaid—his only point of interest is what he is to pay:—whether the sum be larger or smaller that is given to one or to the other, whether the money is well or ill-distributed, is no matter to him. To think otherwise is a fallacy and a delusion, which I know my noble Friend will not attempt to encourage; for the tithe-payer is not to be benefitted one farthing, whether the Church be defrauded of 50,000*l.* or of 500,000*l.* But as between the State and the Church the amount and distribution of the revenues of the Church is a matter of deep interest; it is deeply the interest of the State that the ministers of religion in Ireland should not be placed in a situation of pecuniary difficulty. Stationed as they are (to use an expression of my noble Friend) like a sort of Missionary Church on the outposts of Protestantism, it is the interest of the State to take care that the members of that Missionary Church are in a condition becoming their rank and education as gentlemen, so as to enable them, decently and respectably, not only to maintain their families (for our Church does not enjoin celibacy) free from unreasonable cares and anxieties, but to exercise hospitality, and to deal out charity with a liberal hand in parts of the country where perhaps they are almost the only resident gentry. It is important for the State to see that the ministers of religion are as far removed from luxurious affluence on the one hand as from sordid poverty on the other. [*Cheers, we believe, from Mr. O'Connell*] If the hon. Member cheers me because he doubts my readiness to effect both these objects, I entreat him only to suspend his judgment until I have concluded my statement; and if I show him that I do effect them, I call upon him, as he is attached to his native country, to support my proposition, which will only make the clergy equi-distant from luxurious affluence and sordid poverty. Therefore, I say, the State is interested both in the amount as well as in the distribution of the revenues of the Church. Some may think that the State has a pecuniary interest. I contend that it is dangerous to admit the principle that it should have; but there is no gentleman who will not say that that pecuniary interest, be it 50,000*l.* or 100,000*l.*, is a matter of complete and utter insignificance, compared with the other great and important points. With the questions both of amount and distribution the Act to which I before referred, regarding Church temporalities, in some degree dealt. It dealt with them imperfectly, but it dealt with them on the principle which I propose to carry farther. As to the amount, it recognised large deficiencies which required to be supplied; and, on the other hand, it acknowledged expensive superfluities which required to be retrenched. It admitted the necessity and the importance of relieving the people of Ireland, as far as was consistent with a due maintenance of the rights and interests of the clergy. I never did deny, and I never shall deny, that the maintenance and well-being of the Church was the main and prominent object at which we ought to aim in making either reductions or augmentations—I did not set out to cut down for the sake of cutting down alone, but I set out to cut down here because I thought I could beneficially apply there, and that is the principle of the Bill I shall conclude by moving to introduce. In the first place, with regard to the amount. It will be remembered that the Church Temporalities Act reduced the number of bishoprics by ten; and at the same time relieved the people of Ireland from the payment of a tax for repairing the exterior of the Church, amounting to not less than 60,000*l.* per annum. That was a direct, plain, and distinct relief to those who contributed to the maintenance of the Church in Ireland. Independently of this, owners of bishops' leases were enabled, by the provisions of the Bill, to obtain permanent possession of lands which they could only previously hold under leases of uncertain dates. These were the different modes of relief proposed by the Church Temporalities Act to be conferred on those who contributed to the support and the maintenance of the Established Church. But there were undoubtedly other objects contemplated by the same Bill for the advantage of the Church itself: among these was the augmentation of small livings, the erection of glebe-houses where required, the dissolution of unions where the size of the union and extent of the Protestant population rendered dissolution necessary, the repair of churches where they had been suffered to fall into decay, and the erection of churches in places where there was no decent place of worship for the Protestant congregation. These were the objects which we sought to obtain by the reductions we imposed in various ways in the revenues of the Church in Ireland. Now, what were those reductions? The first and principal reduction was that which I have already stated—the abolition of a certain number of bishoprics. The next most important in amount was the tax which we imposed, after the termination of existing interests, upon two of the bishoprics which were retained. There was also a graduated tax imposed upon all benefices whose incomes exceeded a certain amount. The object of this last tax was not to produce a complete equality amongst all the livings in Ireland, but to take something from those which could better spare it, in order to create a fund out of which the exigencies of the incumbents of the smaller livings might be met. I do not mean to say that the principle adopted was in all respects the right one, because I am prepared to admit that the proposed reduction of the larger and more valuable livings dealt with the amount of income alone, and made no reference whatever to the amount of duties to be performed. I admit that that is the principle on which remuneration ought to be afforded. And I wish I could satisfy my noble Friend opposite, that we go so far together that, if it were not for a little foolish pride, and a little foolish shame, it would be easy for his Majesty's Government to unite with us in the settlement of the important question. What were Lord Grey's calculations, at the time that he introduced the Church Temporalities Act, of the amount of revenue to be obtained? and what were the objects which Lord Grey, speaking at that time the sentiments of the Government and of the Legislature, pointed out as the prominent objects to which that amount of revenue was to be applied? In the first place, the Church cess was stated at 60,000*l.*, and the ordinary average repair of churches at 60,000*l*; and so near was that sum to the calculation now made, as to differ from it only by a few pounds; for the Ecclesiastical Commissioners, at the present moment, estimated the cost of repairing churches in Ireland at fifty-nine thousand and some odd hundred pounds. But Lord Grey considered that a large sum would be requisite for the augmentation of small livings; and in order to raise the minimum income of every clergyman in Ireland to 200*l.* a-year, he calculated that no less a sum than 46,000*l.* per annum would be necessary. Beyond this, Lord Grey calculated that 20,000*l.* a year would be required for new churches, and 10,000*l.* a-year for glebe-houses, with another item which I do not recollect. Lord Grey, therefore, charged upon the fund obtained by the reduction of bishoprics and the tax upon the larger livings—Lord Grey charged upon that fund, as deficiencies which required to be supplied, a permanent charge of not less than 156,000*l.* a year. But setting aside all the cases of the building of glebe-houses, the erection and repair of churches, the augmentation of small livings, &c., what is the amount of the permanent charge which the Ecclesiastical Commissioners now report will for ever be upon the funds at their disposal? 69,000*l.* a-year ordinary current expenses, without providing for any one of the objects which it was the purpose of the Church Temporalities Act to accomplish by the reductions which were to take place. And what is the amount of the revenue of which the Ecclesiastical Commissioners are now in the receipt? The amount of the revenue for the last year was 29,000*l.*—29,000*l.* was the sum which they had at their disposal to meet the annual current expenses of 69,000*l.*, which annual current expense was incurred without meeting any one of the important objects contemplated by the Church Temporalities Act. The fund at the disposal of the Ecclesiastical Commissioners, it was proved by an actuary's calculation, could not be out of debt till the year 1873. Till that time there would be no surplus; therefore till that time none of the objects contemplated when the reductions were proposed could be effected. Till the year 1873 every one of the objects contemplated by the Church Temporalities Act must be indefinitely postponed. What is the revenue of the Church Commissioners this year? It is considerable—I think 185,000*l.* A large revenue undoubtedly. But how is it made up, and how much of it is income, and how much capital? How much of it can they rely upon? And how much is there upon the receipt of which they cannot reasonably rely? Of this 185,000*l.* there is no less a sum than 150,545*l.* which constitutes no portion of the annual income of the Church. The Commissioners have sold 11,000*l.* of stock, losing of course the perpetual interest payable upon that stock, for which they received 10,993*l.* They have leased the domains and lands of two bishoprics—thus again trenching upon a source which was calculated upon as yielding a permanent fund for defraying the necessary expenses of the Church. They have let the domains and lands of two bishoprics; and how? They have reduced the rent, and taken a large fine, 4,000*l.*, in anticipation of rent. Then they have had a loan from Government, amounting to 46,000*l.* "Oh, but," it is said, "that is a loan from the Board of Works; we borrowed of the Government with one hand, and we have paid it with the other. We borrowed from the Treasury 46,000*l.*, and in order to pay the Treasury we have borrowed 46,000*l.* from the Board of Works:"—89,000*l.* has been spent in the course of the present year. What has become of it? Has it been expended in such a manner as to yield interest, or produce any return? No; it has been expended in the payment of interest on sums borrowed, and for other purposes, which carry it away from the Commissioners for ever. Thus it will be seen, that 89,000*l.* monies expended, 46,000*l.* monies borrowed, 11,000*l.* stock sold, and 4,000*l.* fines paid in anticipation of rent, making altogether a total of 150,545*l.*, are to be deducted from the nett income of 185,000*l.* which the Commissioners have at their disposal, and of which, allow me to say, they had before in their hands a balance of 17,000*l.* This is the state of the funds on which the Commissioners have to rely for the augmentation of small livings, the building of glebe-houses, and the erection and repair of churches. I state this on the authority of the Commissioners themselves. I should have added, that the 46,000*l.* is not all that they have borrowed, because they have actually borrowed by anticipation not less than 56,000*l.* They propose to increase their debt of 56,000*l.* to be borrowed from the Government. Have they got this money to deal with? Not at all. The 46,000*l.* and the 56,000*l.* are at the present moment actually engaged for by contracts of so pressing a nature, that they cannot be postponed beyond the present year. Let the House bear with me whilst I read an extract from the Report of the Commissioners, stating the means they have at their command, the applications that are made to them, and the means that they have of meeting them.

"One of the most onerous and important duties which have engaged the attention of the Commissioners, was that connected with the repairs of churches and chapels. The provincial architects having been employed in their respective provinces in inspecting and reporting upon the nature and extent of the repairs of such churches as appeared to be in the greatest need of repair, and in furnishing detailed estimates of such repairs as they recommended to be immediately executed, detailed estimates were accordingly furnished by them, and have been carefully examined; but as the state of the Commissioners' funds only admitted of a selection being made of the most pressing cases, and as delay only increased the evil, they deemed it prudent and indispensable to enter into engagements to the amount of 75,000*l.*, of which sum 21,000*l.* was reserved and set apart from and out of their general fund; and the residue of the unappropriated 100,000*l.* which the Commissioners of public works are authorised to advance, was made applicable to this purpose, the Commissioners having received an assurance that the Commissioners of public works in Ireland, with the consent of the Lords of the Treasury, would advance the same when required.

"To the 1st. instant an expenditure of 11,336*l.* 8*s.* 6*d.* was incurred in the partial execution of these repairs, leaving engagements to the amount of 63,663*l.* 11*s.* 6*d.* outstanding on that day; but it is to be observed that, in the engagements entered into, provision had not been made for the repairs of the greater portion of the churches throughout Ireland.

"And we have to report, under the head of incidental repairs of churches, which sustained injury by reason of any unforeseen event, an expenditure to the amount of 447*l.* 15*s.* 8*d.*

"The Commissioners have also to state, that applications have been received for aid, not only for the enlargement of several churches, where the accommodation has been reported to be quite insufficient for the respective congregations, but also for the re-building or erection of sixty churches; and in many of these applications the parties have expressed their willingness to contribute sums, varying in amount from 60*l.* to 600*l.* Several of these appeared to be so pressing; that the Commissioners have been induced to direct a special memorandum to be taken of the cases, in order that, as soon as they have any funds available for such purpose, the wants of the parties may be provided for."

Here, according to the Commissioners' own showing, are pressing and important exigencies of the Church which they have no means of meeting. Here are parishes without churches, and where the want of them is so much felt that the Protestant population are ready to come forward and to contribute a large portion of the cost of erecting them. Here are parishes where the churches, either from want of size or from being out of repair, are insufficient or unfit for the accommodation of the Protestant population. Here are glebe-houses in need of repair—here are benefices without glebe-houses to the amount of no less than 535 throughout Ireland—here are benefices in which there are no churches for the Protestant population, to the amount of no less than 210—benefices not parishes—and this bankrupt fund—this fund which will be bankrupt till the year 1873, and which at present is plunging itself necessarily, year by year, deeper and deeper into debt, we are told is the fund to which we are to look for the supply of all these deficiencies—for the accomplishment of all those Protestant purposes which the resolution of this House affirmed were to be fully achieved before it would consent to appropriate one farthing of the revenues of the Church to other objects. When I state this, do I quote the sentiments of the Established Church alone, or of those Gentlemen only who sit on this side of the House? I quote the sentiments of the resolution upon which you stand—that, first and before all things, due and adequate provision must be made for the Protestant Church in Ireland and till that provision is made, you, the Parliament of England, are pledged not to sanction the application of these funds to any other purposes. Hon. Gentlemen say, "We admit it is very possible it may be so—we admit that there may be a deficiency, at the present moment, in the means of providing for the objects contemplated by the Church Temporalities Act—we admit that it may be necessary for you to take another mode of providing for them." But, at the same time, they say, "The Church in Ireland, as it stands at present (the amount of its revenues is so vast) is in such a state of pampered luxury, that for its own sake, as in the case of a person suffering from plethora, a copious bloodletting is absolutely necessary to preserve the life of the patient." Now what is the actual state of the Church in Ireland? I take my noble Friend's own calculation. I deal with nothing else than the calculations and proposals of my noble Friend himself. I find, from these calculations, that my noble Friend estimates the amount of tithes in Ireland at 363,000*l.*, a-year, the amount of glebes at 86,000*l.* and the amount of ministers' money at 10,000*l.*, making a total of 459,000*l.* as the whole net income—including tithes, including glebes, including ministers' money, 459,000*l.* is the total amount which belongs to the parochial clergy of Ireland, for the support and maintenance of the Protestant religion throughout the country. Allow me to ask, then, what is the income which would be afforded out of this 459,000*l.* to every clergyman in Ireland, supposing every clergyman to be placed on a precise equality in point of income? My noble Friend stated, when he brought the subject forward on a former occasion, that there were 1,385 benefices in Ireland; but by some process which he did not very distinctly explain, and which does not appear on the face of the Bill, he proposes to reduce the 1,385 benefices to 1,250. The average provision of the clergy from tithe alone, according to the present amount of benefices, and supposing the revenue of each to be equal, would be 255*l.* Now, before I go further, let me ask whether hon. Gentlemen are prepared to lay down this position (if they are so prepared, it will be a new position, which has not yet been laid down in Parliament) that, for a well-educated gentleman, having a family to support, being precluded by his avocation from resorting to any other means of increasing his means of existence, 300*l.* is given as an extravagant or absurd amount of income? I ask whether it is an absurd minimum of income for such a man? If you have a sufficient sum to deal with, you will only be placing the clergy of Ireland in a state of decent competency, if you say that none of them shall be dependent upon a less income than 300*l.* a-year. Do I say that they should not have duties to perform? Far from it. But I say that the remuneration should be proportionate to the duty, and that the proportions should be allotted in such a manner as that no clergyman should receive less than 300*l.* It is not only that the clergyman has his own immediate wants, and the immediate wants of a family to provide for—it is not only that he has the manner and bearing of a gentleman to sustain—but he should also have within his power something of the means of exercising charity in his neighbourhood, and of assisting the wants of the poor in his parish. These are not the only points to be considered in the situation of the clergyman; it must be remembered that he has to look forward to the means of existence which it may be in his power to extend to those who may be left behind him. In dealing with the situation of the clergy, and in considering the amount of income to be allotted to each, this is a point which ought never to be overlooked. The clergyman's income ceases with his life, and I ask the House how that man can efficiently discharge his duty—how that man can preach to his flock the doctrine, that they should take no anxious thought for the things of the morrow, when he reflects that if accident or the will of Providence should terminate his life at that moment, his widow and orphans would become beggars, and be thrown destitute upon the world, because he had not had the means of making even a trifling provision against the season of old age? I appeal to the House of Commons as a House of Gentlemen. I ask them to put the case home to themselves. They know that amongst the clergy of Ireland there are many as well born, as well educated, as well brought up, men of as high distinction, of as nice feeling, of as much ability, and of as much gentlemanly mind as any Gentleman whom I have the honour to address. I ask hon. Gentlemen, to make the case their own; and living in a retired neighbourhood, but still more, living in a crowded town, subject to the expenses of a town, and with arduous duties to perform —I ask them how they would look upon their own circumstances if they were told to maintain a family on an income of 300*l.* a year? I assume, then, that you will give 300*l.* a year as the minimum. But, unless you are prepared to make an absolute equality, you have not such an amount of money to deal with as will yield 300*l.* a-year to every clergyman in Ireland. Are we to have a clergyman to every church in Ireland? Is it an exorbitant demand on the part of the Protestants in Ireland, that where there is a population desiring to have the service of the Established Church performed, there should be a clergyman to perform it? According to my noble Friend's statement, there are 1,385 benefices in Ireland, and 1,540 licensed places of worship. With these facts staring you in the face, my noble Friend proposes to reduce the number of clergymen to 1,250. He proposes that there shall be 1,250 clergymen to perform the service in 1,540 licensed places of worship, according to the usage and practice of the Established Church. Now, supposing the number of clergymen to be equal to the number of benefices—that is to say, 1,385, and supposing, as the noble Lord has stated, the whole amount of the revenues of the parochial clergy to amount to 459,000*l.* a-year, the average income of each clergyman, supposing an equal distribution to be made, would be 299*l.* per annum. If the number of the clergy were reduced, as the noble Lord proposes, to 1,250, the average income of each would be 366*l.* a-year; but if the number of licensed places of worship were to be taken, namely 1,540, the average income of each would be only 299*l.* I challenge contradiction to these facts. You may put them which way you please—you may turn them and twist them as you will—I defy you to contradict one of these statements. Well, my noble Friend proposes to reduce the number of clergymen to 1,250. How does he propose to pay them? I really am almost afraid of seeming to misrepresent my noble Friend's proposition upon this point, yet I can assure the House that my statement is correct. My noble Friend proposes to assign to 1,008 of the clergymen, who are each to perform the duties of more than one benefice, an income of less than 300*l.* a-year; to 113, an income of less than 200*l.* a-year; and finally, he binds himself down by one of the most stringent provisions of his Act to starve 129 out of the 1,250 beneficed clergy of Ireland upon an income that shall not exceed 100*l.* a-year. I proceed to another part of the calculations. I am not adopting now my noble Friend's principle; but I am endeavouring to show to you that the whole amount of the income of the Church in Ireland, properly distributed, so far from entitling it to the name of a bloated and a pampered Church, is sufficient only to afford a moderate income to each of its clergy. Suppose I take my noble Friend's proposal, that there shall be only 1,250 beneficed clergymen in Ireland; and suppose I allot to each who shall have a Protestant congregation of not less than 500 souls an income of 300*l.* a-year; to each who has a Protestant congregation of not less than 1,000 souls, an income of 400*l.* a-year; and to each who has a Protestant congregation of not less than 2,000 souls, an income of 500*l.* a-year, and let 500*l.* a-year be the *maximum* that you would give in any instance—let 500*l.* a-year be the highest price that the Protestant clergyman should have it in his power to obtain. Making these proportions, I find by referring to the returns which have been laid before Parliament, that you would have fifty clergymen with 500*l.* a-year; 500 with 400*l.* a-year, and 800 with 300*l.* a-year; and this would exceed by 5,000*l.* the whole amount of the income at present derived from the revenues of the parochial clergy in Ireland. These calculations are irrefutable. But the income which my noble Friend proposes to allot to the clergy, which in no instance is to exceed 300*l.* a-year, and in many instances will be less than 100*l.* a-year, is not to be paid without deductions. For some reason which the noble Lord has not explained, and which I certainly cannot for one moment comprehend, a deduction of 2½ per cent. is to be made even upon the paltry and inadequate pittance of 100*l.* a-year. My noble Friend, perhaps, will say, "Notwithstanding the statement you have made, there is an ample income for the clergy—your statement of figures must all go for nothing—there are too many benefices in Ireland, let us diminish their number; if, for instance, we reduce them from 1,385 to 1,250, the average income of the clergyman will of course be increased." Now what is the average Protestant population of every benefice in Ireland? I beg the House to bear in mind that I am talking all this time of averages; and that I am endeavouring to show whether the whole income of the Church in Ireland is, as a whole, too much. Taking the number of benefices at 1,250, the average amount of income to each would be 366*l.* What would be the average number of Protestants in each? By the returns laid before Parliament, it appeared that there would in each benefice be an average of nearly 700 members of the Established Church. [Lord Morpeth: 571.] It appears, by the Report of the Commissioners, that the members of the Established Church in Ireland amount to 852,084; divide this number by 1,250, the proposed number of benefices, and the average will be 681, not very far short, as the noble Lord will see, of 700. In the next place, let us see what is the area over which the labours of these clergymen would be spread, and I take this as an average, including all the small benefices, all the great towns, and I find that the average area of each of the 1,250 benefices would be 10,000 acres, or fifteen square miles. Now, this is the state of the Church in Ireland as far as figures are concerned—1,250 benefices, with an average income of 366*l.* a-year each; a Protestant population of 700 each, and an area assigned to each of fifteen square miles. These are calculations of figures which I defy my noble Friend to contradict; they are figures which I do venture to hope may make an impression upon some Gentlemen who have been led away by the delusions and fallacies which have been so generally and so industriously circulated upon this question. I know that I am trespassing upon the patience of the House; but I will endeavour to merit its indulgence by compressing my observations to within the narrowest possible limits; yet, to be candid, I am afraid I shall be under the necessity of trespassing on its attention, even yet, for some considerable time. It is said, that the benefices in Ireland are too numerous, and my noble Friend, with great judgment and ingenuity, has related as an instance illustrative of this operation the diocese of Cloyne, where several livings lie together in the immediate neighbourhood of each other, where the Protestant population is comparatively small, and where the income of the Established Church is very considerable. These undoubtedly furnish instances well calculated to illustrate the position laid down by the noble Lord. But my noble Friend should not take a one-sided view of the question, nor should the House take a one-sided view of it. The first case I shall mention is the benefice of Innis Massaint, in the diocese of Clogher, where the number of Protestants is 3,756, the extent is twenty-one miles by three, the clergy four, doing duty in one church and two chapels, and the income between the whole 500*l.* But when I mention income, I speak of the gross amount, without making any deduction. Let the House recollect that from every income which I may mention a deduction is to be made for expenses of collection, and which actually will be made under the Bill of my noble Friend. The next benefice is in the diocese of Kilmore, being the united parishes of Templeport and Dunally. The number of Protestants there is 2,023, the extent of the benefice is twenty-nine miles in length; the number of clergymen two, doing duty in two chapels. There are also, three schools in the parish. The next are the united parishes of Clanguish and Killoe, in the diocese of Ardagh, with a Protestant population of 1,518; the extent is sixteen miles by eleven. There are three clergymen with two parishes, and the income of the whole is 996*l.* In the same diocese is the benefice of Granard, consisting of five parishes with a Protestant population of 2,231—that of the lowest being 268, and of the highest 692,—there are six clergymen, five chapels, and the income for the whole is 1,360*l.* The next benefice is that of Fircal, in the diocese of Meath. It consists of six parishes, containing 1,289 Protestants—the lowest being 127, the highest 368. In extent it is twenty-two miles long, by between five and seven broad. There are six clergymen doing duty in five chapels, with a joint income of 385*l.* a-year. The next is the benefice of Termonnaguish, in the archdiocese of Armagh, containing a population of 1,722 Protestants. Its extent is eleven miles by ten: it has three clergymen and two chapels; the income 800*l.* a-year. Another benefice—that of the united parishes of Kilcul, Kilco, and Kilmayne, in the diocese of Down, containing 4,384 Protestants—the extent is considerable, Kilcul being some miles distant from the others. There are in it four clergymen, with three chapels, the income is 1,600*l.* The next is the benefice of Ardstran, in the diocese of Derry, with a Protestant population of 3,658 persons. The extent is fifteen miles long by ten and a-half broad, there are two clergymen, and one church, and two chapels; the income is 1,094*l.*. There are many others in the list before me which I am unwilling to detain the House by reading. In some, the extent of the benefice is fourteen miles by twenty-eight. Another is forty long by sixteen broad, Another is the benefice of Ballynakil, in the diocese of Meath, in noticing which, I would use the language of the Commissioners; they said—

> "This benefice comprises the greatest part of Connemara, Ballynahill, Moycross, and Ballindown, and contiguous to Umma, Killanmine (94 Est. Ch.) lies at a distance of thirteen miles from the Church. Arranmore, Ennismain, Ennisur, and Ennisbiffin, are islands lying at a distance of some miles from the main land. The extreme points of the benefice are probably fifty miles distant from each other."

This is only one case of a class out of which many equally strong might be cited. Here, then, there is an acknowledged and glaring deficiency of income to be supplied, and the duties which fall to the lot of the clergymen are of far too onerous a nature to be devolved upon them, if it be expected that they can be adequately and fully discharged. Before I proceed to consider the principle of my noble Friend's Bill, I will recall to the recollection of the House the resolution on which it is founded. The object which was contemplated by that resolution was a final and satisfactory settlement of this whole question. Now, how far, under any circumstances, this question can be finally settled, I, for one, know not. I recommend my noble Friend to reflect. [*Hear, hear.*] I thank hon. Gentlemen for that cheer. My noble Friend, who has come down so strenuously supported on this occasion, ought rightly to know and duly to estimate —I dare say my noble Friend does duly estimate and appreciate—the nature of that support. Can my noble Friend tell me, for the sake of curiosity, how many petitions have been presented in favour of a final settlement of this question? Has there been one? Has one human being expressed a belief that there will be a final settlement of it? And how many petitions have been poured in, not from all sides of the House, but from all sides of my noble Friend, declaring that there should be no settlement, no peace, no tranquillity, without a final, a total, an entire abolition of tithes. This is the object distinctly avowed, aimed, and pointed at, by nine out of ten of those who support my noble Friend. My noble Friend may rely upon it that it is useless to hope to conciliate those who may have that object in view. They will take what my noble Friend will give them; they will be much obliged for what they get; they will not refuse to insert only the small end of the wedge at first, but they have distinctly, frankly, and candidly stated, that they are determined to have the whole wedge inserted at last. My noble Friend may have resolved that his measure should be a final settlement of the question, but I will tell him that it cannot be final. To complete the resolution on which he professes to act, my noble Friend told us, that the arrangement which he contemplated under this final and satisfactory Bill, should altogether cease and determine at the expiration of seven years from the present time, and that then we should be brought back to exactly the same state in which we at present find ourselves. My noble Friend consented to collect the revenue of the clergy up till that date, but he is determined that we shall then revert to our present condition! I hope I understood my noble Friend, and I shall be glad if it be so; but I conceive that under the provisions of my noble Friend's Bill, the reduction of two and a-half per cent. will be permanent, while the assistance given by the Commissioners of Land Revenue will terminate at the end of seven years. Are these, or are they not, the provisions of the Bill? [Viscount *Morpeth:* No.] It is remarkable that some significant words have been inserted since the Bill of last year had been disposed of. By the measure now brought forward, it is proposed to be enacted, that the rent-charge shall be vested in his Majesty for the purposes mentioned in the Bill. Under the Bill of last Session, it was provided, that it should be confided to the management of the Land Commissioners, subject to the control of the Crown. In the Bill of this year a provision is inserted, that its enactments, with respect to the rent-charge, shall continue till November, 1843, and afterwards until Parliament shall otherwise direct. And this is to be the final measure. A measure in which there is a special provision—that at the end of seven years Parliament shall be invited to reconsider the arrangement. I recollect that my hon. Friend, the Member for Weymouth, last year forced upon Government an amendment to the resolution, providing for the resumption of the surplus, if any should afterwards be found to accumulate, for the use of the Established Church. I see no such provision in my noble Friend's Bill. If there it be, it has escaped my observation. But most distinctly, the primary, the first, and main object of the resolution has been, that the surplus, be it greater or smaller, shall be applied to the purposes of religious and moral education, without reference to the difference of religion; and in introducing that provision my noble Friend has said, "I give notice, that I shall move that the surplus shall, in all cases, be locally applied for the furtherance of religious instruction." Locally applied! Why, it is positively ingulfed in a Serbonian bog; it is swallowed up by the Consolidated Fund. My noble Friend has estimated his surplus at 97,000*l.*, and proposes that 50,000*l.* should be devoted to the purposes of education. Why, the House now grants 55,000*l.* a-year for the promotion of education in Ireland, and if my noble Friend were to ask for 50,000*l.*, I think that very few Gentlemen would be inclined to refuse such a sum. But 60,000*l.*, be the plunder greater or smaller, is the sole amount which is contemplated by the resolution to be applied to the purposes of moral and religious education, under any possible contingencies. Before I proceed to deal with the surplus I will, in the first place, consider the former part of my noble Friend's Bill. My noble Friend proposed last year, that the rent-charge should be levied by the Commissioners of Land Revenue, subject to the deduction of thirty per cent. fixed by the Bill, and subsequently to a deduction of two and a-half per cent. By the measure of this year these deductions will be continued, while the existing incumbents will be deprived of those advantages which a sense of justice had last Session induced my noble Friend to allow them to retain. The proposal which I shall make relative to this branch of the subject is not very widely different from that contained in the first part of the noble Lord's Bill. I do think it expedient that the amount of income should not be collected by the clergy themselves; I think it desirable and expedient, that a sacrifice may fairly be made for the attainment of this convenience, that it should be collected from the landlord, and by the Commissioners of Land Revenue. I propose, therefore, the same deduction which was last year proposed by my right hon. and gallant Friend, the Member for Launceston—namely, a reduction of twenty-five per cent., in the first instance, and two and a-half per cent. in the next instance, the latter to go to the Commissioners of Land Revenue, for the cost of collection. If there be one object more than another which can be deemed of the most vital and pressing importance for securing a final settlement of this question, it is that by which facilities may be given for dealing with the rent-charge after it has been imposed. That formed a prominent part of the Bill introduced, under Lord Grey's Government, by the Secretary for Ireland. Lord Wellesley also, as exercising the power of the Crown in that country, expressed a strong opinion that redemption was the chief end to be aimed at, and that everything else was but subsidiary and secondary to that great object. I considered that the redemption, and the getting rid of a permanent rent-charge, are of the utmost importance for the permanen well-being of Ireland. Yet somehow or other this provision has dropped out of the Bill, and the object so prominently brought forward under the Administration of which many of his right hon. Friends opposite formed a part, is altogether overlooked in the present measure. Sir, I propose, then, to introduce provisions into this Bill—provisions to facilitate the redemption of the rent-charge to be thus imposed. I am aware that in proposing this there is great difficulty to be encountered with regard to the amount and nature of the security of the redemption proposed. I am not insensible to the difficulty; and I am satisfied that no mode can be adopted by which is prescribed a fixed amount or number of years' purchase; looking, in the first instance, to the various circumstances of Ireland, the difference between the value of land in the north and in the south, and again at the difference of value between an investment made in the public securities, and in land, whether in the north or the south—I am satisfied, I say, that no fixed number of years can be assigned, without doing great injustice either to the incumbent on the one hand, or the landlord on the other. My proposal, therefore, is to give the Ecclesiastical Commissioners power to deal with the landlord on whom the rent-charge falls, and to enter into an engagement with him upon such terms, whether for land or for money, as shall be mutually agreed upon by the parties, imposing no restriction with regard to a *maximum* or *minimum*, enabling them to change for land, or partly for land and partly for money, enabling them to make the exchange or sale either immediately or contingently upon the death of the incumbent, by an immediate arrangement or by postponing the arrangement to be made upon the death of the incumbent. I am not insensible to the difficulty of this; and in order to give the House a notion of the difficulty that is to be contended with, I will just call the attention of the House to this fact. Supposing a rent-charge of seventy-two and a-half per cent. to be bought at twenty years' purchase, the price might be invested, in many parts of Ireland, in land which would yield a return equivalent to seventy-two per cent of the rent-charge. Now, in many parts of Ireland the security would yield 72*l.* 10*s.* where the rent-charge was invested at five per cent.; but if it were to be invested in the public securities, or in other parts of Ireland where the land will fetch twenty-eight or thirty years' purchase, then the amount yielded will be very disproportionate to what the incumbent would be entitled to receive from the rent-charge. If it were to be invested in public securities, instead of reduction to the sum of 72*l.* 10*s.*, it would subject the incumbent to a reduction to the amount of 49*l.* odd. This is a degree of injustice which no man will think of imposing upon the present incumbent, nor run the risk of making that amount of reduction in the value of the benefices. But I propose that there shall be facilities given to the Ecclesiastical Commissioners, and the person paying the rent-charge, by which they may commute either for land or money, with this provision, that if made without the consent of the actual incumbent, the person paying the rent-charge shall guarantee to the incumbent, during the period of his incumbency, the full amount of 72*l.* 10*s.* per cent.; that is to say, he shall have the benefit of the present arrangement after the demise of the incumbent. I do not mean to say that this proposal is not open to objection. I admit that it is, and I wish any person who is interested in the question to canvass every part of it. I propose it as a mode in which I think the redemption may be effected with less injustice than by any other mode that has hitherto been proposed. We now come to the distribution and application of the Church revenue or income. I am happy to see that his Majesty's Government are so far open to reason and argument that they have abandoned that absurdity, for it was nothing less than an absurdity, which formed the basis of their calculations in the Bill of last year—I mean that absurdity of founding their calculations not upon benefices but upon parishes. We pressed it upon them over and over again. We told them of the gross injustice that would be committed in cases where parishes were part of the benefice. But no! they would not listen to us—the Bill must be carried—the House of Lords must be condemned and calumniated for not having consented to it. And now, this year, sensible of the unreasonableness of their own principle, they come forward to legislate, not upon the basis of parishes, but upon the sound and fair basis of benefices. Now, the first and most prominent part of this Bill is the enormous and irresponsible power given to the officer of the Government. The Lord-Lieutenant, indeed, has not much to do with it. He is the mere servant, in most instances, of the Ecclesiastical Commissioners. The Secretary of State for the Home Department is to have great power under the Bill, and so is the Chief Commissioner of the Land Revenue. The Commissioner of Land Revenue has the power of a revision of the commutation, of amending the applotment, and if any person is behind payment of his tithes, he has the monstrous power, at his will and pleasure, of punishing him by charging interest, or by indulging him by not charging interest. What room for jobbing and favouritism this is. Give to a public officer the power at his discretion of charging this man with interest, and of excusing that man, where both are liable to pay. Put that power in the hands of a Cabinet Minister, and tell him that he may employ it in Ireland, it is not difficult to see how he may make it very serviceable for political purposes. Then to whom are all the ecclesiastical duties, the emoluments, the limits of benefices, the spiritual superintendence of the flock—to whom are the extent and amount and power of remuneration to be given? Who is it that, in fact, has the entire and absolute control over the property and the labour of every single clergyman of the Church of Ireland, with the power of revising the operation of this measure as often as he pleases? Not the Lord-Lieutenant; but a new tribunal—an Ecclesiastical Committee of the Privy Council of Ireland—not the Privy Council of Ireland. They cannot trust the Lord-Lieutenant nor the Privy Council; but a set of gentlemen from the Privy Council, unlimited as to number, are to be nominated by the Secretary of State when he pleases, and to be removed when he pleases; and to these gentlemen, without any restrictions, is to be confided the utter and entire control over the property, the ecclesiastical duties, and the means of providing for the spiritual wants of the people. Is this a power to be intrusted to any Secretary of State, or to any Government? I do not say that my noble Friend, the Secretary of State for the Home Department, would abuse this power; but it is a power liable to great abuse, and one which cannot be safely intrusted to any government, even though it may be most friendly to the Church. I now come to the proposal of my noble Friend, with regard to the income of the clergy. He is driven to make out a surplus. He must have a surplus, whether the clergy are receiving a competency or not—whether there are sufficient churches or not—whether the churches are tumbling down or not—still he must have a surplus; and in order to effect this what does my noble Friend propose to do? He puts the clergy of Ireland upon the very liberal footing which I have already mentioned. That is, he puts them upon this scale as a *maximum*:—

129	clergymen, with an income	not more than	100*l*. a year.
670	ditto	ditto	200*l*.
209	ditto	ditto	230*l*.
188	ditto	ditto	340*l*.
54	ditto	ditto	500*l*.

So that no clergyman in Ireland is to receive more than 500*l*. a-year, except in town parishes. Now, I object to this arrangement, both in principle and in detail. I object, in the first instance, decidedly against laying down this strong and plain doctrine—that no clergyman of a country parish, under any circumstances, shall have an income exceeding 500*l*. a year. It is not consistent with any part of the system, regulations, or habits of this country, either in Church or State. It is not consistent with any part of our policy, either civil or ecclesiastical; it is neither just in itself, nor does it harmonise either with our church or with our civil polity. Why, Sir, my noble Friend does not pretend to touch the income of the Bishops in Ireland, and which are fixed at sums varying from 4,000*l*. to 6,000*l*. a-year. He says there shall be twelve Bishops—twelve large prizes to the amount of 5,000*l*. upon an average each—in Ireland, and yet between that and the next highest prize shall be the income of a parochial clergyman, who in no single case shall enjoy an income above 500*l*. Why, Sir, it makes a gap destructive of the whole order and harmony of our social system. It makes a gap that is most injurious to the Church, and introduces a principle of equalization most unjust in itself, most complicated in its adaptation, and as I contend, most inconvenient in its application. But admitting the whole system of my noble Friend to be good, if my noble Friend will only say that 178*l*. shall be the *minimum*, and 578*l*. the *maximum* of a clergyman's income in Ireland, then I again say that he has no surplus, and that he wants to make a surplus by reducing the income of the clergy in this pitiful and niggardly manner. Let the House of Commons only assign as the *minimum* 178*l.*, and as the *maximum* 578*l.*, it will absorb the whole income of the parochial clergy in Ireland, reduced to the number to which my noble Friend most unwisely, I think, proposes to reduce them. The noble Lord says—"We shall have a surplus of 97,000*l.*: 50,000*l.* of which is to go to the education of the people, and 47,000*l.* to the Consolidated Fund." 47,000*l.*, says my noble Friend, shall go to the Consolidated Fund. But what if my noble Friend should get more? Do you mean to get more? If you do not, then you have framed your Bill in a most extraordinary manner; for under this Bill the Secretary of State has at his good will and pleasure, acting through his creatures and puppets, these Members of the Ecclesiastical Committee, nominated at his pleasure, the power of reducing the Church to an income of 127,550*l.*, and of making a surplus of 332,000*l.* That is the power which my noble Friend has it in his discretion to exercise, if Parliament should choose to give it to him by passing this Bill. He has told us that he shall have a surplus of 97,000*l.*; but how does he make it out? By assigning in every case the *maximum* of income which the law proposes to every minister in Ireland. But, suppose he chooses to assign a *minimum*? It is at the good will and pleasure of the Secretary of State for the Home Department, if this Bill shall pass, which I trust it never will, and I feel confident it will not—it is at the good will and pleasure of the Secretary of State for the Home Department, to make this arrangement with respect to the clergy of Ireland:—

129 clergymen, with an income of 50*l.*, or indeed a lower sum—for there is no limit—will amount to	6,450*l.*
670 clergymen, at a *minimum* of 100*l.*, making -	6,700*l.*
209 ditto ditto 200*l.*, with the care of a population of near 100, making - -	41,800*l.*
188 clergymen, at a *minimum* of 300*l.*, - -	56,400*l.*
54 ditto ditto 300*l.*, - -	16,200*l.*

Although it is carefully provided that no clergyman shall receive above 500*l.*, and that no clergyman with a population under 3,000, shall receive more than 400*l.*, yet equal care is not taken, when the population exceeds 3,000, that the *minimum* shall be fixed at 400*l.*, but it is fixed at 300*l.* Then with regard to the glebes, the glebes need not be applied to the Church. Let me ask my noble Friend what it is he means by this? The glebes are taken to be worth 86,000*l.* a-year. He tells us that he is going to make a liberal allowance to the Church of 31,000*l.* value out of the glebe lands. Now I want distinctly to know what the noble Lord is going to do with the glebes? I should like to have an account of the glebes? Many of my hon. Friends know that I have a particular reason for asking this question. What is the intention of the noble Lord with regard to the glebes in Ireland? The Chief Commissioner of the Land Revenue has a power to deal with them, of letting and demising them to any person whom he thinks fit, and for any term of years. Now I want a plain answer to this question—is it intended to give the glebe lands as a provision for the Roman Catholic clergy? Is that to be the application of the glebes that are taken away from the Church in Ireland? At all events my noble Friend has the power of applying no glebes at all to that Church; and he has also the power of appointing no curates, although he has taken a provision for them for a certain number of years. He has the power of increasing or decreasing the benefices to an indefinite extent: in short, he has the power of making a surplus of 330,000*l.*, and which surplus, after giving 50,000*l.* for the purpose of public education, is to be handed over to the consolidated fund for the general purposes of the country. I distinctly say, that to an alienation of the revenue of the Church for civil purposes I, for one, will not consent. I say it is a principle dangerous in itself. It is a principle which holds out a temptation to political dishonesty and parliamentary corruption. It holds out the means of corruption in the hands of the Government; it degrades the Church by making it absolutely dependent upon the will of the Secretary of State; and I say that this Bill, which strips them of their freehold character, places them in subordination to the orders and will of the Secretary of State for the time being; and I further say, that the contingent fund of which my noble Friend, after making himself a trustee for the Church, and making himself also the residuary legatee to whom everything is to go, will make my noble Friend liable to a degree of temptation to which I should be sorry to expose him, because I foresee the pressing claims which would be made upon him. My noble Friend being assailed on every side for the reduction of taxes, says, "I have no surplus revenue," and yet there is a great pressure from without upon the Chancellor of the Exchequer. There is a penny tax to be substituted for a fourpenny one; but still the noble Lord says, "I have no surplus." "Oh! yes, you have," say the people, "and one of which you may make a most legitimate application, because it is to reduce the taxes on knowledge, in order to promote the education of the people." The moral and intellectual, perhaps, but not much, I opine, of the religious education of the people, and certainly without any distinction of creed or party. "But," says my noble Friend, "I cannot afford it." He then goes to his right hon. Friend, the Chancellor of the Exchequer, and asks him how this great pressure from without is to be met. "Oh! (says his right hon. Friend) you can manage it: there is the Irish Church." "No (replies the noble Lord), there is but a surplus of 97,000*l.* altogether, and 50,000*l.* of that is to go to the education of the people, and the other 47,000*l.* is gone I don't know where." "Oh! (rejoins his right hon. Friend) it is very easy to make it. You have been foolish—you have been prodigal with these funds left at your disposal—you have been too indulgent to those violent clergymen, you have given them an increase to the utmost extent which Parliament allowed. They have tied you down, it is true, to a certain sum, below which you cannot go; but still, if you can only give us 100,000*l.* more, it will be of great service. You have the power which nothing can deprive you of, for the Act of Parliament authorises and sanctions a minimum salary to the clergy. You, therefore, can give us a surplus of 330,000*l.*; let me put that into the budget, and then we can take off the stamps from newspapers." Really, I do not wish to expose the Government to this temptation. I won't trust them with this discretion. I will endeavour to obtain a security, at all events, that there shall not be a contingent surplus, which every man may draw upon who is desirous of getting rid of some particular tax. Of all modes of applying a surplus, that which makes Parliament, as it were, a residuary legatee, making the application of it dependent upon how far Parliament will gratify the claims of their constituents, or act according to the dictates of their consciences, is the most objectionable, and places the Parliament in the most unpleasant position possible. I do not say that my noble Friend would deal improperly with this surplus; but there may come a time when there may be a Secretary of State who may have no very strong feelings of religion one way or the other, and no great regard for the Church, whether of England or of Ireland, and who, being placed in a situation of extreme difficulty and embarrassment between persons pressing upon him conflicting claims, may be desirous of conciliating and adjusting their demands by a measure hostile to the Church. Again, persons desirous for a repeal of taxes from economical motives may press upon him. I am not, therefore, willing to give any Secretary of State a power of creating a surplus of 330,000*l.* to play ducks and drakes with. To such a proposition I do confidently believe and trust that the House of Commons will never agree. In addition to the rent-charge to be collected by the Commissioners, and in addition to the power of redemption for which facilities are given, I will now tell the House what is the course which I propose to take —especially with regard to the amended distribution of the revenue of the Established Church of Ireland. I beg the House to remember that the whole amount of revenue with which I have to deal, as applicable to the clergy of the Church in Ireland, is a sum which will yield only 350*l.* a-year to each clergyman. I am willing to reduce the inequalities of the existing incomes. My principal reason for reducing the higher rate of incomes, is to supply the deficiences which I see to exist. I see certain deficiences; I am, therefore, not unwilling to reduce the inequality, in order to supply the deficiency. The first thing I turn my attention to are the town parishes in Ireland. I believe of all the clergy in Ireland, dependent upon the revenues they receive from their parishes, none can be found in a worse situation than those who have the most important duties to perform—namely, the clergy of the towns and cities. For many of them there is at present little or no provision made; and, consequently, an abuse has crept in, necessarily arising out of the circumstances, in order to make up for the services he has to perform without adequate remuneration—by attaching to such clergyman a country sinecure parish. I do not stand up for that system; I do not defend it; I desire to get rid of it; but, in order to do so, you must give the clergy a certain income from other sources before you take away the income they now derive from holding the country parishes. There are many clergymen whose incomes do not exceed 400*l.* without a glebe-house, and who are obliged to incur a large expense by living in cities and towns, who have the superintendence of the spiritual concerns of between 10,000 and 12,000 members of the Established Church. I will not multiply instances; but I believe that I am not wrong in stating that the whole town of Belfast is one single parish, containing 17,942 members of the Established Church, according to the Return of the Commissioners, and that the income derived by the incumbent is just 300*l.*—no more. Again, there is the archdeaconry of Dublin, consisting of the parishes of St. Peter and of St. Kevin, having a population of 10,114; it includes three perpetual curacies—Rathfarnham, with a population of 890; St. Mary, Donnybrook, with a population of 3,500, and of Tarne, with a population of 895; making a total, within a single benefice, of 15,599 members of the Established Church. That is a benefice employing sixteen clergymen and eleven churches; and yet it is treated as a mere single benefice by my noble Friend's Bill. Now, is it necessary to provide a decent income for these clergymen? At all events, I am anxious to inquire whether a decent income is provided for all the clergy who have these duties to perform. I therefore propose, in the first instance, that the Ecclesiastical Commissioners shall be desired to inquire, in the first place, into the state of the clergy in the cities and towns of Ireland,—that they should report immediately, without waiting for a voidance, first, the total number of Protestants; secondly, the nature and extent of the spiritual duties to be performed, and the number of curates employed; thirdly, whether there is an adequate glebe-house; fourthly, whether there is adequate accommodation in the church or chapel; fifthly, the amount of the revenue, and from what source derived, whether from tithes, ministers' money, or whether from some country parochial benefice being attached to it; and lastly, whether by any alteration of the limits of the benefice greater facilities may be given for the discharge of the spiritual duties, or a more adequate remuneration may be made for the incumbent. I propose, in the next place, that the Commissioners shall lay this Report before the Privy Council, with their opinion as to the circumstances requiring an augmentation of income, increased accommodation, the erection of glebe-houses, or the sub-division of parishes. I propose, also, that a list should be made out of all parochial benefices which yield a less income than 50*l.*, less than 100*l.*, and so on up to 300*l.*; and that they should specify in each case those circumstances which appear to them, with reference to income, extent of duties performed, and so on, most calling for a higher rate of income. These are, of course, apart from the building of churches, and apart from the present calls upon the fund, or rather the no-fund, in the hands of the Commissioners, and for which provision has been made. I admit that the provision of the Church Temporalities Act was defective in this—that it deals with revenue alone, and does not take into consideration the duties to be performed. On the other hand, I contend that the provision of my noble Friend is infinitely more erroneous, because he makes it depend upon population, and population only; and does not take into consideration, what every reasonable man would do, a combined element, namely, the extent of the district over which the population extends. It is quite clear that the case of a parish consisting of a population of 500 Protestants, within the limits of two or three miles around the glebe-house and church, is a less laborious charge than a parish extending over forty or fifty miles in length, though it has not one-half, or even one-fifth of the population. Consequently, when you establish a measure upon an estimate of the duties to be formed by a comparison with the population only, it is clear that you set out from the very beginning upon a basis which must fail. Do I want to withhold from consideration any of those benefices which may happen to have large incomes or a small population? No such thing. I propose in every case upon the demise of any incumbent, the income of whose benefice shall amount to 500*l.* a-year, or the population of whose benefice, whatever may be the income, is less than 100 Protestants, that the Ecclesiastical Commissioners should report the whole of the circumstances with regard to the spiritual duties to be performed in that parish, the extent of the income and of the population, the state of the glebe-house and of the church, and if they should think fit to recommend the annexation of the parish to any adjoining parish, but subject to this limitation, that the augmented benefice should not contain an area exceeding thirty square miles. I think when I take the district at thirty square miles, which is six miles long, with a breadth of five miles, I am not taking an unreasonably small extent over which the labours of the clergyman are to be exercised. But there may be cases, undoubtedly, in which the adjoining benefice may give an adequate income, and perhaps more. I propose, therefore, that the Commissioners shall have the power to recommend the reduction of the income of clergymen, whatever it be, provided always it be above 500*l.* when they commence their inquiry, or the population be less than 100; and also provided that they do not recommend a reduction lower than 300*l.* per annum. I take that amount, because it was fixed by the Church Temporalities' Act, at which it allowed the taxation of the clergy to commence; I take it because I have the authority of this House for saying that it is not an extravagant amount; I take it at 300*l.*, because my noble Friend, when he proposed a reduction last year introduced the same provision. I propose, then, that the difference between the income of the benefices and the fund which shall ultimately be left, shall be applied, in the first instance, to raising a sum of money for the purpose of building a glebe-house within the benefice, if there be not one already. I have no hesitation in saying, that in a small parish I consider the building of a glebe-house renders it inexcusable for the clergyman not to reside among his flock, however small they may be—an object of greater and more primary importance than even the building of a church, because a church is useless without the presence of the minister, and the glebe-house to a small congregation may supply sufficient and adequate means for the celebration of divine worship; but nothing can compensate to any parish for the absence of that man who derives his parochial income from the benefice where he is bound to perform his religious duties to those who profess his own doctrines, and to extend his charitable superintendence and assistance to all his parishioners, of whatever persuasion. If the circumstances of the parish should appear to require it, and if there should be a sufficiently extensive congregation to render a church necessary—supposing the revenue be insufficient for providing a building for their accommodation—I propose, that after providing for a glebe-house, the surplus shall be applied towards raising money for building such church. But beyond these local claims, which I consider to have the first call upon us, I propose that the surplus upon all those benefices which may be ultimately reduced, provided they be not reduced below 300*l.*, shall be paid over to a general fund of Commissioners, for the purpose of augmenting those revenues that shall appear to stand most in need of assistance. Do I propose to augment them indefinitely? No such thing. I propose a particular sum, not because I think it would in all cases be sufficient, but because my means are insufficient to enable me to do more. I propose to prohibit the Commissioners from augmenting in any case beyond the amount of 300*l.* for any benefice not situated within a town. I propose, on the one hand, to prevent them from augmenting any small living beyond 300*l.*, and to preclude them, on the other, to reduce any large living below that sum. I do not say that there are not some benefices with incomes beyond 500*l.*—even exceeding 600*l.*—which may not fairly, justly, nay advantageously, be left, for the sake of the Church population, provided always that these incomes bear some sort of proportion to the duties of the clergyman, to the numbers of his flock, and to the extent of ground over which they spread. I do not, however, propose to raise the amount of any benefice beyond 300*l.* in country towns. I do propose to intrust the Commissioners with this power—if there be a parish exceeding forty square miles in extent, or a country parish that has a population of members of the Church of England exceeding 1,000 persons—I propose to empower them to divide that benefice, provided they do not augment the income of each different benefice beyond the sum of 300*l.* for each individual clergyman. I think, if the benefice be so large as to require a division, the income of each clergyman should be 300*l.* a-year. I infinitely prefer this division of a large parish, and placing the two clergymen upon moderate incomes, to the retention of one large parish with an income considerable in amount for one clergyman. With regard to the town parishes, my noble Friend has not mentioned the amount of income derivable from them. I propose, in the first instance, however, with regard to the town parishes, that when the funds shall be at our disposal, those benefices shall be augmented which have a less income than 400*l.* or 500*l.* It is clear that these have the first claims upon us, if there be any fund which can be made applicable to these cases. Sir, I believe I have now stated to the House what are the objects I propose to attain, what are the means I propose for raising the funds required, and what are the ends to which I propose to devote the funds so obtained? I feel how much and how largely I have trespassed upon the indulgence of the House, and how greatly I am indebted to the attention and kindness with which they have listened to details, much of which must have been dry, much of which must have been very uninteresting, but which I felt it would have been inexcusable in me to have abstained from going through, at whatever risk of wearying my audience, if I were desirous of placing my case on that ground on which alone I wished it to rest—on the ground of sound reason, justice, and good policy, after a full, frank, and entire explanation of the present state, and of the state in which I wish to place that branch of the united Church Establishment which exists in Ireland. [*Loud Cheers.*] Having done so, I ask the hon. Gentlemen who cheered me loudly, have I shown any disposition to maintain a luxuriant and overgrown Church institution, or have I not stated a desire to meet those cases in which there might be an apparent excess of income, in which there might be apparently too small a population for the clergyman to preside over, and too trifling duties for the clergyman to perform? But I say I should have been ashamed of myself if, putting the case on this ground, I had looked to this point of view alone—if I had consulted the general interests of the Protestant parishioners, and had not considered those of the clergy: if, when I felt that their spiritual duties were not sufficiently and adequately provided for, I had not expressed my wish to apply the surplus to making up and atoning for the manifold deficiencies that existed. I have now, not only to thank the House for the kindness with which they have listened to me, but I have to entreat and implore—not those gentlemen who are desirous of destroying the Church in Ireland—not those gentlemen who have personal objects to attain, for I do not appeal to them—but those gentlemen, those sincere and cordial friends of the Establishment who are enemies to her blemishes, I do entreat and implore them to join me in endeavouring to persuade his Majesty's Government to recede from that position to which, most unwisely, and on most false premises, they have bound themselves, and bound the House. I entreat them to consider, if they do wish to get rid of these glaring discrepancies—I entreat them to consider, if they do wish to put an end to collision in the collection of ecclesiastical revenues—I entreat them to consider, if they do wish to give peace to Ireland, so far as peace can be given by such means—to settle this question, so far as the settlement of the question can be achieved, by doing that which is right, just, reasonable, and moderate in the way of concession; I entreat them to consider well what they are proceeding to do, and to hesitate before they join with his Majesty's Government in refusing me the means of introducing for their consideration the measure which I now venture to lay before them—a measure, I know not whether I should say so, but which I will venture to say I have reason to believe will meet the concurrence of those who never will, and never can, concur in the abstract principle laid down by Government. I ask them only to reflect how much they can obtain, and how much is fairly offered to them. How much of real defects are cured, how much of substantial justice is done, how much of peace and tranquillity is restored to Ireland, and how much of harmony is established between parties in this House, and between different branches of the Legislature. And I call upon them then to consider, whether for the sake of a principle, which if they can apply at all, they can apply but in an infinitely insignificant degree, for the sake of a principle which they cannot carry into effect, but by insisting upon which they may mar the whole possibility of arriving at a settlement of the question, they will grasp at the shadow and abandon the substance, which fairly, frankly, and cordially, without reserve, without equivocation, and without hesitation, I am empowered to offer them. I beg to conclude by moving, that leave be given to bring in a Bill "for the Conversion of Tithe Composition into Rent Charges, and for the redemption thereof; and for the better distribution of Ecclesiastical Revenues in Ireland."

Lord *John Russell:* I beg, Sir, to remind the House, that I took occasion, before my noble Friend commenced, to propose to him that he should have an opportunity, if he thought fit, to bring in any Bill he might have prepared on the subject to which the speech he has just concluded referred. It was the choice of my noble Friend not to accept that proposal. I find no fault with him for taking that course, but I think, certainly, that I am at liberty to draw this inference from his having declined my proposal namely, that my noble Friend, under another name, intends to give a strenuous opposition to the second reading of this Bill. If my noble Friend had asked to introduce a Bill upon this subject, it was in his power to have done so, either at some time before the measure of my noble Friend, the Secretary for Ireland, was introduced, or after the motion for its introduction had been made, or in some subsequent stage of the measure. It is, therefore, on the principle of our Bill, to which my noble Friend declares, that he never will consent, that he rests the issue of this question. I am glad to find that my noble Friend does not deny that this is the real question before the House. I am glad to find, that he does not deny, that the real question is, whether the principle of this Bill shall or shall not be adopted. Now, Sir, I am as willing as my noble Friend to appeal to the reason and moderation of the people of England upon this subject. It is to the reason and moderation of the people of England that I appeal—not on the details, not on the regulations, but on the principle on which this Bill is founded. Sir, although my noble Friend, at the commencement of his speech, appealed to the reason and moderation of the people of England, I cannot forget, that he afterwards appealed from them to the feelings of this House, as a House of Gentlemen. True, Sir, it is a House of Gentlemen, but I hope it is something more; I hope it is a House representing popular feelings and popular interests. I hope it is a House representing (as it is the duty of Members of this House to do), not particular and local bodies of men, but representing, as Mr. Burke stated he considered himself bound to do, the whole people of this empire, including among them that outlawed portion of the people — the six millions of Roman Catholics in Ireland. Sir, my noble Friend, in the whole course of his speech, although he adverted to all the considerations, or very nearly all the considerations, connected with this Bill, totally omitted one most important consideration — namely, the consideration and concern which this House ought to pay to the interests of three-fourths of the people of Ireland. My noble Friend told us that we ought not to overlook the interests of the children of clergymen, and that it was a painful reflection for a clergyman that he could not leave to his children a competence after his death. Undoubtedly this is a very painful situation. But did it not occur to my noble Friend, or if it did not occur to him, I hope it will to hon. Members of this House—did it not occur to my noble Friend that there are others, not in the situation of clergymen, that there are the Roman Catholic people of Ireland, who, too, have to consider what is due to their children and their families, and who may be permitted to ask, when this score of 400,000*l.* is levied, what is the benefit which they are to derive from the expenditure of the money? Sir, I say at once—for it is as well that I should as early as possible place this Bill on the ground on which I think it ought to stand—I say at once, that our notion of a Church Establishment is, that it is not intended for the support of the offspring of the clergy in comfort and opulence, but for the instruction of the people. In the course of the last century there were eminent men who wrote and discoursed upon the principles and the grounds on which the State ought to support a Church Establishment. I am not going to fatigue the House with any quotations from their writings; but, when I mention the names of Warburton and Paley, every man will know what degree of weight is to be attached to their authority. Their doctrines differed very widely from each other. It was the opinion of Warburton, that the Church was naturally and politically the ally of the State; it was held by Paley to be a complete perversion of the intention of a Church Establishment to consider it as the ally of the State at all; but both these men, both able and enlightened men, and fully competent to grapple with the subject on which they wrote, both understood and both maintained, that an Established Church should be the Church of the majority of the people. This was the understanding upon which those able and learned men wrote upon the Church; and this was the principle on which they considered, that the Church ought to be supported. I do not mean to say, that this doctrine ever can be carried to its full extent in Ireland; it is not my intention even to propose to carry it to the extent to which they did; but this I maintain, and this I ever shall maintain, that the interests of the great body of the people ought not to be overlooked; and the duty of a State is, not to choose and select that doctrine which the Legislature or the supreme authority may consider to be founded in truth, but to endeavour to secure the means by which they can inculcate religion and morality among the great body of the people. If we were to maintain an opposite opinion, or to found a church upon any other doctrine, we should soon extend to Hindostan the religion of the Established Church of England, and spread throughout our dominions—among the Roman Catholics of Canada and the members of the various religious persuasions to be found in our numerous possessions in different parts of the globe—the faith in which we were brought up, and insist on a general conformity. It is impossible that we can maintain any such proposition; if we did so, our Church, which is so useful in this country, which serves so many high and stable purposes, would become in those places merely a nest of sinecures; and while you took care that there were clergymen with sufficient revenues, you would be totally neglecting that which it is the business of the State to provide—namely, that the great body of the people shall have the means of receiving religious and moral instruction. Now, Sir, both the Bill of last year, and that which my noble Friend, the Secretary for Ireland, has introduced this year, proceed upon the principle, that while you preserve to the Protestant Church of Ireland whatever is necessary for the spiritual instruction of the Protestants, yet that any surplus which can be derived from its revenues shall be applied to the religious and moral instruction of the great majority of the people. The meaning of this is, that you shall not consider the great majority of the people, as my noble Friend (Lord Stanley) did throughout his speech, as mere blanks in the empire, but that you shall provide them, not with a Church Establishment according to their own faith, but with a system of education which you can fairly give, and which, as my noble Friend (Lord Morpeth) declares, Parliament is ready to afford, and to endow, if necessary, with the sum of 20,000*l.* a-year—that you shall give this education to the great body of the people, that you shall make it a part of your duty, and that you shall consider it part and parcel of your ecclesiastical establishment. This, I think, is the broad and general view of ecclesiastical purposes. This is the view which takes in a vast number of people, who, if you confine yourselves to my noble Friend's (Lord Stanley's) proposition, can never derive any benefit whatever from the distribution of those funds, and who, by reason of their not deriving any benefit from them, are not, as respects the State, duly furnished with the means of that religious and moral instruction which it is bound to afford. Having thus stated what I consider to be the great principle of this Bill, I think it follows that I shall not be prepared to withdraw it in favour of the proposition of my noble Friend opposite. I will not imitate my noble Friend's example. He has made it matter of reproach to us that we have altered and conceded some of the provisions of last year. I will not undervalue, far less will I reproach or taunt him with any proposition he has now made for the reform of the Church of Ireland, to which he was not disposed to accede last year; on the contrary, I value very highly any proposition coming from him with the authority he is empowered to give it. He will permit me to say, however, that these propositions leave altogether out of sight, and leave altogether untouched, that great principle which we have maintained—that great principle on which I had the misfortune to differ from my noble Friend when we were in office together—that great principle on which the House declared its solemn opinion last year. I will now notice, before I proceed to other questions, one or two points on which I think my noble Friend has made, I will not say an unfair, but certainly not a politic, use of the alterations in our present Bill. It was one of the reproaches cast upon our Bill of last year, that the property of the Church—the collection and disposition of it, at least—was altogether transferred into the hands of the Commissioners of Land Revenue. It certainly appears from the reports of what passed in the House of Lords in respect to the subject, that this was one of the parts of the Bill to which they said they never would give their consent, on the ground that it was a gross violation of principle. I know it was stated by one noble Lord, I have no objection to state his name—I mean Lord Ellenborough—that it might be expedient to give the Commissioners of Land Revenue the power of collecting this income for a time, but that he thought that after a time the principle should prevail, and the collection of the revenue go to the clergy, in whom, in his opinion, and in that of a majority of the House of Lords, it ought properly to rest. This is one of the points on which, feeling that we conceded no principle in so doing, we made a concession; and it is one of the objects of my noble Friend opposite to attack that concession and that provision of the Bill, and to subject us to reproach, because we have yielded to what we thought, in the conscientious opinion of our opponents, was one of the great obstacles to the passing of the Bill. A great part of my noble Friend's speech was taken up in pointing out the faults of former measures, but a very small portion was occupied in pointing out the faults of the particular measure introduced by my noble Friend (Lord Morpeth). A considerable portion of his speech was devoted to a detail of the inconveniences which at present arise where there is a very small income, a large population, and a great number of parishes (which is undoubtedly one great fault of the present system), and a great part was employed in showing the inadequacy of the fund provided for the Church Temporalities. Why that is a fault of my noble Friend's own Bill. My noble Friend also attacked the scale we have proposed, which I think a very adequate one, fully adequate, I should say, for the purpose, but at all events more liberal than that which the right hon. Baronet, near my noble Friend, (Sir Robert Peel) stated last year, as the one which we might fairly have adopted if we had wished to carry into effect the principle of our Bill. I know not for what purpose my noble Friend opposite stated it, if it were not as suggesting something better than the Bill before the House; but he said, that even if a moderate scale of income were taken as sufficient for the clergymen, he would show, on the authorities he could quote, that sufficient provision was not made for them. Well, Sir, we have taken a scale which goes beyond the proposition of the right hon. Baronet; and now my noble Friend tells us it is objectionable both in principle and practice. I think it is rather too much for the noble Lord, after attacking in the first place the present state of things—after attacking the departures from the old Bill, and attacking the scale of the right hon. Gentleman near him, to come forward and lay the burden of all those faults on the Bill we propose. Now, Sir, with reference to the application of the net income arising under the Tithe Bill, which we propose in the present measure. It is as follows:—

"To 675 benefices of the first class, containing more than fifty, and less than 500 Protestants, at 200*l.* per benefice, rent-charge and thirty acres of glebe valued at 30*s.* per acre—165,375*l.*

"To 211 benefices of the second class, containing more than 500, and less than 1,000 Protestants, at 300*l.* per benefice, rent-charge and thirty acres of glebe valued as before—72,795*l.*

"To 190 benefices of the third class, containing more than 1,000, and less than 3,000 Protestants, at 400*l.* per benefice, rent-charge and thirty acres of glebe valued as before—84,550*l.*

"To fifty-one benefices of the fourth class, containing upwards of 3,000 Protestants, at 500*l.* per benefice, rent-charge and thirty acres of glebe valued as before—27,795*l.*

"To 123 benefices of the fifth class, containing less than fifty Protestants, at 100*l.* per benefice, rent-charge and thirty acres of glebe valued as before—17,835*l.*"

It appears, as my noble Friend has very truly said, that the whole scale furnishes about 290*l.* for each benefice; but if I were to take only a part of these, if I were to omit benefices containing more than fifty and less than 500, and benefices containing less than fifty, then the whole amount being 185,000*l.*, would give for each benefice an average of about 411*l.* a-year. What say the Church Commissioners in their second Report, with reference to the present state of the Church of England? It appears from their Report, that "there are 3,528 benefices under 150*l.* per annum; of that number, thirteen contain each a population of more than 10,000, fifty-one a population of from 5,000 to 10,000; two hundred and fifty-one a population of between 2,000 and 5,000; and eleven hundred and twenty-five have each a population of between 500 and 2,000." According to this statement there are 1,440 benefices in this country, each containing above 500 persons, all under 150*l.* per annum, and the average of which we may suppose to be from 100*l.* to 120*l.* per annum. Therefore we have here, in England, 1,440 benefices, each containing more than 500 people, at this average of 120*l.* a-year—say it yields an average of 120*l.* a-year; and we propose that in Ireland, in all benefices containing more than 500 persons, there shall be one average of 411*l.* a-year. Now, I ask my noble Friend, if he be so shocked at the penury in which we leave the Irish Church, what does he consider the state of the English Church under such circumstances as these? Be it recollected, too, that the state of the English Church is the state of a national Church, to which the people of this country belong; that when we talk of the poverty of clergymen of this Church, we talk of the poverty of men who are doing their duty to their flocks in both town parishes and country parishes — whose offices are received with thankfulness, respect, and veneration; and that when we speak of the average of 400*l.* a-year, which is given to the Irish clergyman, it is given in parishes where there are more than 500 members of the Established Church, certainly, but where there are, perhaps, 1,000, 2,000, or 3,000 persons of a different persuasion, to whom that religious consolation cannot be extended, and by whom it would be refused if it were proffered. This is, however, a point upon which my noble Friend opposite and I entertain very different opinions, which must always be kept in view. The Church of Ireland must, I admit, be supported; you must endeavour to make it agree, as well as you can, with the circumstances of the country in which it is placed; but, after all, it is not the Church to which the great majority of the people belong. My noble Friend complains of the hardship and injustice of leaving some of these clergymen starving, as he calls it, on 100*l.* a-year. Why, Sir, I find that in the 7th and 8th of King George 4th, in the orthodox period of 1827, before the Roman Catholics were admitted into this House, a provision was inserted in an Act of Parliament to this effect:—

> "When any parish or parishes appropriate, belong to, and are annexed to any archbishopric or bishopric in Ireland, it shall and may be lawful for any archbishop, with the consent of the dean and chapter of the diocese, and when there is not any dean and chapter, then with the consent of the major part of the beneficed clergy of the diocese, and also of the archbishop and patron of such parish, under their hands and seals, to unite two or more of such appropriate parishes into one perpetual cure, and to unite one or more of such appropriate parish or parishes to any one benefice or benefices contiguous thereto, provided the certain value of each such respective unions do not exceed 100*l.* by the year."

If any reproach can justly be brought against us, it is one which applies equally against those who framed this Act, and against those who passed it, and thought that in so doing they were conferring a benefit upon the Church of Ireland. Undoubtedly in benefices in Ireland—there are no great number of them—which contain less than fifty Protestants, the income of 100*l.* a year is a small one; but it is not less, it is even larger, than the income which many clergymen and curates of the Church of England enjoy. It is an income one-fourth larger, besides the glebe, than we were told last year was given to the curates of two parishes which produced 1,200*l.* or 1,500*l.* a year to the rector. My noble Friend, the Secretary for Ireland, (Lord Morpeth) makes a proposition, therefore, the tendency of which is not to diminish the Church Establishment, but to apportion the income of its ministers to the amount of duty they are called upon to perform. While he increases—and increases in several places to a very large extent—the incomes to be paid to those ministers who have heavy duties to perform, he diminishes the incomes of benefices wherein the number of Protestants of the Established Church is very limited. My noble Friend opposite (Lord Stanley) says that there ought to be some limit, according to the extent of the benefice. It is a great hardship undoubtedly, and a very severe labour, for a clergyman to have to go over a great extent of country, in the discharge of his spiritual duties; and this is one of the points which I think might well come under the consideration of the Ecclesiastical Commissioners. At the same time I should be sorry that a rule should be laid down, and above all in an Act of Parliament, that the extent of benefices might be enlarged. By adopting such a principle we might fall into the error which those have fallen into who have long opposed the Bill now before the House, and who have contended against the principle of it, declaring that we should consider the extent of Ireland and not the number of Protestants—that we should provide for the cure of acres and not for the cure of souls. My noble Friend went at some length into an explanation of the details of his own Bill, and he also found fault with the Commissioners. At any rate, if my noble Friend did not directly censure, he did, by implication, state that some blame was to be attached to the Commissioners acting under the Church Temporalities Bill. My noble Friend read a statement from their Report, in which they stated that they thought that it was expedient to spend 75,000*l.* a year in the repair of churches; but he added that, in particular instances, they had sent down 100*l.* for the repair of churches which did not require more than 5*l.* to be laid out upon them, and this had occurred in parishes where there were Protestant gentlemen who were ready to contribute the 5*l.* The noble Lord passed over the defects of the Act which he wished to introduce, and went to the clauses of the Bill before the House, which gave power to the Secretary of State to reduce the income or revenue of the clergy to the minimum, and he assumed that this would be acted upon in every case; and he added, that thus, by impoverishing the clergy, the Government would be enabled to raise a large surplus to devote to other purposes. I think that this was carrying the argument to the extreme, and to an unfair length, for it is always to be assumed that the Government of the day, in which there is placed a discretionary power, will carry a Bill into effect according to the spirit of it, and according to the sense in which it received the sanction of Parliament, and will not strive to violate the principle of the Bill. If the Act stated that from 200*l.* to 300*l.* a year was to be given to a clergyman, according to circumstances—if they always gave 200*l.*, whatever might be the circumstances of the case, and never 300*l.*—they would not act fairly or in conformity with the meaning or spirit of the Bill. I think that Parliament would feel that any Secretary of State, or any Minister of the Crown, would neglect his duty if the Bill should be carried into operation in this way. But if any other persons should be proposed to carry the Bill into effect than the Ecclesiastical Commissioners of the Protestant Church, I should be happy to agree to the arrangement, provided it can be shown to be more satisfactory than the one we propose, for I do not mean to say that they are the only persons who can carry the provisions of the Bill into effect. I repeat, if there are other persons who, in the opinion of Parliament, are better adapted to carry out the plan, I am quite ready to assent to a change in this part of the measure. It was always said in the course of the debate on this subject last year, that there would be no surplus if the Bill was passed—that, in fact, a calculation was made of a surplus which would not appear, and which would altogether vanish in operation, and that it was only an imaginary surplus on paper. I confess that my noble Friend's proposition was more acceptable in appearance than the assertion so constantly made last year, because my noble Friend says that there will be too large a surplus, and indeed so large that we shall not know how to apply it—that more will be received than was necessary for the payment of the 50,000*l.* a year for education. At any rate we shall carry into effect the object intended of applying any surplus that may arise to the purpose of general education; and my noble Friend need not be under any alarm as to too much accruing for this purpose for a considerable time; for in the first place, the 50,000*l.* a year now given from the Consolidated Fund for the purpose of general education must be repaid. I feel perfectly well assured that it will be many years before the 50,000*l.* a year thus advanced will be repaid by the Bill. The right hon. Baronet is perhaps satisfied that this is the case. It must be recollected, that any surplus of money that may accumulate in the hands of the Commissioners, may be devoted for the compensation of those who give up their advowsons, to allow them to fall into the hands of the Commissioners, that they may come within the operation of the Bill. Therefore the right hon. Gentleman will not agree with the noble Lord, that any surplus would arise that would be too large for the proposed purpose; but, on the contrary, that it would be a long time before it would amount to a large sum. At any rate, I must say that this will be the case, before the sum will be sufficiently great to be devoted to other purposes than the education of the people. Although, therefore, a sum may arise, it will be a very long time before there will be a sufficiently large surplus to render it necessary that the attention of Parliament should be drawn to the subject. My noble Friend called my attention to one point connected, as he said, with a surplus—namely, respecting glebe lands. He asked me whether this surplus was to be applied in such a way as to give glebe lands to the Roman Catholics? He asked me for a direct and distinct answer to this question. I then answer directly and distinctly—No. His Majesty's Government have no intention to apply any portion of the surplus from glebe lands for the Roman Catholic clergy. I state now, as I did on a former occasion, that we intend to devote any surplus that may arise to the same purposes as we proposed to do last year—namely, first to apply what is requisite for the Protestant Ministers of the Established Church, and to devote any surplus which might afterwards arise from the revenues of the Church to the general education of the people, without any distinction as to religion or creed. I will not trouble the House with giving any explanations of the details of this Bill; because my noble Friend (Lord Morpeth) who proposed the Bill, and to whom is due the merit of framing the Bill, on what I consider to be just principles, will be prepared to enter into its details; and also to show that he has allowed a sufficiency for the clergy, and to explain the grounds on which he framed the scale of incomes. I confess that if I had had to frame the outline of the Bill, I am not quite sure that I should have allotted a scale to the same amount; but this is a subject on which my noble Friend will be prepared to answer any objections. In consequence of the objections made last year, we have felt disposed to yield in some degree upon one point. We now propose to keep up the number of benefices, and to afford a sufficiency for the maintenance of each clergyman, requisite for the due performance of divine worship. I cannot go farther; but the plan we now propose to act upon is similar in principle to that of the former measure; and it is the principle on which the Ministers still propose to act. Do hon. Gentlemen forget the relative proportions in some parts of Ireland, between the Members of the Established Church and of other religious communities? Take two of the provinces of Ireland—the provinces of Tuam and Cashel. In Tuam there are 44,599 Members of the Established Church, and 1,188,568 Catholics. In Cashel there are 111,813 Members of the Established Church, and 2,220,340 Roman Catholics; making in the two provinces, 156,412 members of the Establishment, and 3,408,908 Catholics. The principle on which my noble Friend (Lord Stanley) proposes to proceed, that there should be due and adequate provision made for the income of the clergy who attend to the spiritual interests of the 156,412 Members of the Church; but that we should neglect altogether the 3,408,908 Catholics. Upon this principle we entirely differ. We differ entirely as regards this Bill, and as regards every other measure respecting Ireland. I and my colleagues are of opinion that the Government of Ireland, in consequence of the mode in which it has acted, has at all times, and down to almost the latest period, been productive of great evil, by encouraging a strong party spirit, and has much neglected the interests of the great body of the people. I could give some instances in proof of this of a different kind, and on different subjects from the present measure, but I think that this is the great point of difference between us and our opponents. There would be no difficulty in pointing out how that difference of principle has operated, and showing, by illustration and example, how the Government has been carried on. One instance which recently came under my attention, as a striking illustration of the system, I may mention it. It is an instance which was mentioned in this House on a former occasion, though perhaps not in a way to make that impression on the House which I think that it should have made. My right hon. Friend, the Attorney General for Ireland, in taking a view of the state of that country in his official capacity, found that it was not the practice to prosecute officially at the Quarter Sessions those persons who had been guilty of assaults, and who engaged in quarrels which often led to bloodshed. He was of opinion that leaving such crimes unpunished addicted the peasantry to lawless outrages, and contributed to excite in them a disregard of the law. My right hon. Friend directed that not only the Crown Solicitor should attend at the different assizes, but that Solicitors should be appointed to attend and prosecute these assaults at the various Quarter Sessions in Ireland. A question on this subject was raised in the House only a few weeks ago. It was asked, whether many of the Solicitors appointed to carry on these prosecutions were not Roman

Catholics. The object was to put down outrages and prevent crime, and for this purpose to use the efforts and skill of the different Solicitors in the various towns in Ireland. The question was not raised as to whether this proceeding was desirable—as to whether the purse and revenues of the Crown should be used for the purpose of preventing crime, but as to whether the solicitors employed to carry on these prosecutions were not Roman Catholics. I can give another instance of the same kind with respect to the administration of justice in Ireland, and with reference to which my right hon. Friend has succeeded in making an alteration. It has been the practice—although an alteration has been made by the recent jury law for Ireland—for the Crown to challenge fifty or more persons called as jurors in a common case, and where there was nothing of a serious nature, and this merely on some political or religious suspicion. The consequence of this practice was, that there arose a suspicion on the part of the people against the trial by jury, and it was believed that in these cases the source of justice was tainted and was not impartial. My right hon. Friend directed that the practice should cease, and that all persons called upon juries should serve. I have received a number of letters from impartial persons in Ireland, who inform me that this change had already had a visible and obviously beneficial effect on the minds of the people. They now feel a security in the administration of justice, and they say that they shall have a fair trial when called up. The trials for offences which grew out of popular differences are attentively regarded by the people, and they now say, when a man is prosecuted that at any rate he will have a fair trial, and justice will be done. It is only by means such as these, and by attending to the wants and wishes of the people of Ireland, that we shall prevail on them to cease to resort to crime on any occasion, and to support the law and the institutions of the country, and to give to the Government and Parliament that confidence without which armies are useless for the preservation of tranquillity. But I cannot avoid mentioning another subject which, indeed, is different from the present matter of debate, but which I shall soon have an opportunity of bringing under the consideration of the House. I mean the Bill which was proposed to the House on the subject of Municipal Corporations in Ireland. This is one instance of a measure by which we propose that Ireland should be governed on the same principles of equal justice which we wish to apply in this Bill—and let no man say this does not belong to the subject before the House—for Municipal Reform for Ireland was opposed on similar grounds to those which are now urged against this measure; and in both instances such arguments were because the principles of both parties were essentially different as to the mode of governing Ireland. We hold that the Roman Catholics of Ireland are to be considered on an equal account with their Protestant fellow-subjects, and that, as they freely wish to join with us in loyalty to the Throne and attachment to the Constitution, it is right they should enjoy the same rights and privileges as we enjoy. Our opponents, on the other hand, maintain that the Roman Catholics are aliens in blood, differing from their fellow-subjects in religious opinions, and only waiting for an opportunity to shake off the government of this country as tyrannous and oppressive. Undoubtedly, adopting such principles, our opponents must adopt, and did adopt, a course of proceeding very different from that which we recommend, and in which we are supported. I have now had an opportunity (which I had not had when I last addressed the House on this subject) of seeing the printed Bill sent down to the House on the subject of the Corporations of Ireland, and I must say, that the same principle which ran through the alterations which had been made in that Bill, was the same on which the amendment moved to night by the noble Lord (Stanley) was founded—namely, the principle of contempt for the Roman Catholics, and the desire for their degradation. That principle runs through the whole of the amendments of the noble Lord, and I must confess, that when the noble Lord (Francis Egerton) proposed the instruction to the Committee on a former occasion, I wondered by what provisions it was intended to carry the principle of that instruction into effect. But when I now see my noble Friend (Lord Stanley) supporting precisely the same principle, I am still more disposed to wonder how it is that the noble Lord and the hon. Baronet agree in supporting that principle, their opinions on political questions having long been so different. I cannot find that their new proposition is founded on the Whig principle of liberty, or on the Tory principle of Tory reverence for ancient institutions; but, on the contrary, it is a mixture of some foreign adaptation, in which is combined whatever is worst in the example of the destructiveness of the French republic with what is most despotic in their military empire. In considering the amendment of my noble Friend I am compelled to look at it with reference to the whole of the political principles adopted with regard to Ireland. From that point I shall not depart. I consider the Bill as involving the whole question of the principles on which Ireland is to be governed; and whether that shall be in accordance with the wisdom and sense of the country, and directed by that reason which, as my noble Friend observed, should be the guide of the course of Government, or whether it shall be only in conformity to the domination of one party. If the House be of opinion that we must consider the wants and wishes and interests of the Roman Catholic subjects of his Majesty, then it will be right and consistent to allow the Bill of my noble Friend (Lord Morpeth) near me to be proceeded with; if, however, the House be of opinion that this important point should be altogether omitted from our consideration, then I must admit that the plan of the noble Lord (Stanley) opposite is well worthy of consideration. I contend that the course pursued by hon. Gentlemen opposite involves this consequence—that after the House of Commons has decided upon the principle on which Ireland shall be governed for the future, namely, the principle of justice and equal laws, if we should now rescind that promise and make the cup we have held out to them, as bitter as disappointment can make it, and tell them that they must expect to find it sweeter and more palatable, if we are now to persist in a course which is degrading to them, and which both sacrifices the principle, and pollutes the source of justice as regards them, we shall have to contend with much opposition and with many obstacles from the feelings which will be manifested by the people of Ireland; and I think, likewise, that we should have to contend with the reason and opinion of the people of England who now are turning their attention to Irish subjects, and will not be willing I think to maintain the present system in Ireland. I have confidence in the English, I feel convinced that they will do as they have always done, namely, do as they would be done by, and on these subjects treat their Irish fellow-subjects with regard and affection, and thus lead to a real and complete union of the two countries.

Mr. *Lefroy* had paid due attention to the speech of the noble Lord (the Secretary of State), but could discover in it nothing which in his judgment could be considered as an answer to the powerful speech of the noble Lord who opened the debate—a speech more gratifying to all the friends of the church—more full of accurate information and well-arranged details—more conclusive and triumphant in its deductions, he had never heard in that House. He was not, therefore, much surprised that the noble Lord opposite should shrink from the task of attempting a reply, and, sinking under its staggering effect, should think it prudent to divert the attention of the House from the real merits of the question before them, and introduce his amusing episodes on the Sessions Bill of the Attorney-General for Ireland, on the practice of challenging jurors at the assizes, and on the equally relevant subject of the Irish Municipal Corporation Bill. In the noble Lord's wide range of topics, foreign and irrelevant to the question under discussion, he had contrived to press into his service the military policy of France, but omitted altogether to grapple with the statement so powerfully put forth by his noble Friend, the Member for Lancashire. They were not then discussing whether or not they should have an establishment; the noble Lord, the Secretary for Ireland, allows that the establishment should continue to be supported, and that adequate provision should be made for all the wants of the Established Church, before they could alienate one fraction of its revenues. On that point he was ready to meet the noble Lord, as he was fully satisfied that upon the closest examination of the wants and revenues of the establishment, it would be found that the ideal surplus of which they had heard so much could have no existence except in the fanciful notions of his Majesty's Ministers. It was assuredly in the noble Lord's power to grant fifty thousand a-year for the education of the Irish people, if that were really the object; and it little mattered from what source the supply for educational purposes was derived, provided that it proved fully adequate for the objects contemplated. Was it to lose all its value to the Irish people, unless it were derived from this surplus, which, upon close examination, would turn out to be a perfect delusion? He would therefore entreat his Majesty's Government, in mercy to the church, in mercy to common sense, and to the character of the Government itself, to give up this chase, this pursuit of a phantom, and honestly to meet us in the adjustment of the tithe question, and in a plan for the better distribution of the property of the Church. Taking the documents on which the Government relied, and the principles in which they professed to proceed in regard to the Church, it was capable of a perfect demonstration, that no surplus could exist, after the spiritual wants of the Protestants of Ireland were sufficiently provided for. If, as the noble Lord the Secretary for Ireland admitted, the establishment was to be continued, there were three things essential for its maintenance—in every place where it was to be continued, there should be a clergyman to every benefice, a church for the congregation, and a residence for the clergyman; and if these essential objects were even decently provided for out of the revenues of the establishment, it was totally impossible that any surplus could remain. Indeed, it was evident from the dubious manner in which the noble Lord (the Irish Secretary) expressed himself upon introducing the Bill, he had his own misgivings on the subject. He says, "I admit this surplus will be liable to further encroachments, and in calculations with regard to which much will depend on future arrangements, it would be presumptuous to pretend to perfect accuracy." He added, "I only therefore venture to point out the probable results of the change we propose." The noble Lord said, "It will also be remembered, that no part of the surplus to be realized can become available until existing interests are satisfied, and purchases of advowsons effected, together with other changes appertaining to the plan we propose." The noble Lord stated his fund for the maintenance of the parochial clergy at 459,550*l.*; but in this he included Primate Boulter's fund, 5,000*l.* per annum, which being a charitable fund, appropriated to other uses, should be excluded. The noble Lord had also omitted the tax on clerical income, which should be deducted, 22,000*l.* per annum, making a total deduction of 27,000*l.* per annum, leaving only an income of 432,550*l.* Let the House then see, upon the noble Lord's own principles, what surplus he could expect from this income, applying it only to the object of maintenance, and excluding altogether the objects of providing glebe-houses and places of worship. According to the report of the noble Lord's Commissioners, the number of benefices in Ireland was 1,385. According to the same Report, the Church of England population amounted to 852,064. This would give each benefice an average of 615 souls. Well, the noble Lord would, according to his own proposal, assign to an incumbent with that proportion of duty 300*l.* per annum, making a sum total for 1,385 benefices of 455,000*l.*, thus at once reducing the noble Lord's surplus to 17,000*l.* per annum. Supposing no increase in the number of benefices; but the noble Lord proposed that four hundred and seventy-eight unions should be broken up, the result of which would be an increase of five hundred and twenty benefices in addition to those already in existence, for which there was no other provision than this 17,000*l.* per annum. But although the noble Lord's Bill made provision for breaking up these unions, with an inconsistency which the noble Lord had not yet attempted to reconcile or explain, he had rated the number of benefices at twelve hundred and fifteen; much less had the noble Lord informed the House from what source he intended to provide a maintenance for the clergymen of those additional benefices, which would be consequent on the subdivision of the unions, and against the continuance of which so many objections had been urged in that House. Much had been said of the extravagant wealth of the Irish Church Establishment; to that an answer in a great measure had been given by the able exposition of the noble Lord (Stanley), who had treated every part of the subject so ably, as to leave little for others to say; he would, therefore, confine himself to a few particulars, to show the fallacy of the assertion. On the 10th of May, 1833, a return was made to that House of the value of all the benefices in Ireland; he held that document in his hand, and he found in that return that there were six hundred and seventy-eight benefices not exceeding 300*l.* a-year, while those exceeding 1,000*l.* a-year were only seventy-one, and those exceeding 1,500*l.* a-year were only thirty-one. This was previous to the reductions made by the "Irish Church Temporalities Bill," by which a large reduction was made by the income tax, laid on in lieu of vestry cess, and previous to the reduction now proposed to be made of 32½ per cent.; so that, in effect, the thirty-one livings of 1,500*l.* per annum, or upwards, would be reduced to about 1,000*l.* per annum, which would be the highest amount of any benefice. He did not mention these facts, nor did he consider them as any grounds for continuing the comparatively high amount of those benefices, unless where the duties were proportionately severe and extensive; but he alluded to them for the purpose of removing the fallacy so industriously circulated, and to prove that there existed no redundancy of funds nor monstrously overgrown livings in the Irish Church. Indeed the statement of its income, as made by the noble Lord (Morpeth) sufficiently showed how exaggerated were the notions entertained by Members of that House on the supposed wealth of the establishment in Ireland. He was at a loss to conjecture how the noble Lord, and the hon. Member for St. Alban's could settle their difference on this subject, when he recollected that the hon. Member for St. Alban's on a former occasion stated the revenues of the Irish Church at nearly a million yearly, which, by the more accurate statement of the noble Lord, was now reduced to 459,000*l.* and should in reality stand at 432,000*l.* But let it be supposed for a moment there was this surplus, after providing for the maintenance of the clergy, were there no other wants of the Church to be provided for? If their incomes were to be reduced, and screwed down to the "starving point," could they afford to build glebe-houses? Heretofore glebe-houses were built partly out of the incomes of the clergy, and partly by assistance from the board of first fruits. This latter fund had been for a time diverted to other purposes by the Church Temporalities Act, and it was hard enough to leave upon the present incumbents and their successors, with greatly reduced incomes, the charges for building already existing on their benefices, without expecting any further expenditure. The present state of the church, as to glebes, appeared by the Report of the Commissioners to be this—there were 535 benefices without glebe-houses; the Church of England population in these places stood thus:—

In 324	it was above	100
In 215	———	300
In 171	———	500
In 65	———	1000
In 34	———	2000

Upon what principle consistent with the proposed object of providing first for the spiritual wants of the Protestant population, were those places to be left without glebe-houses? The Commissioners of the Church Temporalities had reported, that for want of funds they were unable to attend to the numerous applications made to them for assistance in the building of glebe-houses. If the large unions were to be broken up, and an increase of 520 benefices made thereby, where were funds to be provided for glebe-houses in these newly-created benefices? So that whether the present or future condition of the Church be looked at, it was a perfect delusion to reckon upon any surplus, after supplying its absolute necessities. The third requisite for the maintenance of an establishment was, that parishes should be provided with places of worship. According to the Report of the Commissioners, there were at present 250 benefices without a church, and 196 instances in which other buildings were used as substitutes for churches, or in lieu of Chapels of Ease. These were described by the Commissioners as, in some cases, a barn or a farm-house—in others a school-room or the session-house, the minister's house, or even a coach-house. Was it fit that Protestant congregations should be left to shift in this manner for the performance of Divine Worship, if there really were the surplus of which the noble Lord spoke? In the resolution of the House on which they were proceeding, as well as in the Bill of the noble Secretary, it was expressly laid down, that this surplus, this ideal surplus, was not to be diverted from its original objects, until all the "spiritual wants" of the Protestants of Ireland were sufficiently supplied. How could that be, he would again ask, if places of worship were not to be provided where there were congregations ready to make use of them. The funds formerly applied to that purpose were the vestry-cess and the first-fruits. These had been taken away, and the substitute devised to supply the deficiency had wholly failed. The Commissioners' stated that there was no adequate fund, nor was there any prospect of an adequate fund, although applications, urgent and pressing, were continually made to them for means to build and repair churches. As the noble Lord (the Member for Lancashire) had already described to the House that part of the Commissioners' Report, he would not repeat it; but he would ask how much would this want be felt when, by the breaking up of unions, the number of benefices requiring places of worship was increased. He put it to the noble Lord (Morpeth), of whose regard for the welfare of the church he had no reason to doubt.—He put it to him to consider, in what condition the church must be when 520 benefices were added¿ He supposed the noble Lord meant that the provisions of his own Bill in respect to the breaking up of large unions should be carried into effect. With what consistency, then, could the noble Lord or the House appropriate this assumed surplus to other purposes whilst so important a want as that of places of worship was left unsupplied. He would implore the noble Lord opposite to legislate honestly and sincerely on this subject, to give up his useless pursuit after an airy phantom which vanished as he approached it, and seriously to consider the best practical way of settling for ever this question, which had supplied so much material for agitation—which had been so pregnant with discord and animosity,—which had caused so much disturbance and misery in Ireland, and without the settlement of which there could be no hope that peace or tranquillity could be permanently established in that country.—[*Hear, hear.*] He understood the cheers of the hon. Member opposite, the hon. Member for Lincoln, (Mr. E. L. Bulwer). By that cheer, the hon. Member would give the House to understand that the settlement of the question, which he would support, should involve the total destruction of the Established Church in Ireland—

Mr. *E. L. Bulwer* rose to order.—He could not see the propriety of the hon. and learned Gentleman discussing the meaning of his cheer.

Mr. *Lefroy*—if he were not mistaken in his interpretation of the cheer of the hon. Member, it meant to convey, that peace and harmony could only be restored to Ireland by the spoliation of the revenues of the Irish Church, and its consequent total abolition. If such was his expectation, he would find himself most lamentably disappointed. "What, Sir, continued the learned Member, are those to look on with peace and harmony, while the church to which they belong is being plundered of its rights, and the ministers they revere reduced to want and penury?" If any party in that House, or out of that House, could be so foolish as to expect that the subversion of the Irish Church, and the alienation of its lawful revenues, would tend to restore peace and harmony in Ireland, he would take the liberty of assuring them that they were grossly deceiving themselves by so preposterous an expectation. But he was proceeding with an appeal to the noble Lord (Morpeth) who professed to feel so deep an interest in the welfare of the Protestant Church, when the cheer of the hon. Member attracted attention. He would most earnestly appeal to that noble Lord, and to his Majesty's Government, on behalf of the Church in Ireland—on behalf of the peace of Ireland, to meet that side of the House in an adjustment of this question, and put an end to the disturbance, the heart-burnings, and contention, which had been excited and fomented by the question of tithes—to give to the Church of Ireland an increased efficiency, by securing her rights, and applying her revenues so as to meet the exigencies of her people, instead of occupying themselves with an ideal surplus, which did not exist, and which never could exist, if the spiritual wants of the Protestant people of Ireland were adequately supplied.

Mr. *Fowell Buxton* spoke as follows:* In the early part of the speech of the noble Lord (Stanley) I ventured to indulge the hope, that he was about to exert his great influence and eminent talents in bringing this question to a happy and amicable issue. He spoke of the small difference there was between the conflicting opinions. A little false shame, and a little false pride, he said, alone prevented an adjustment; and I thought that no doubt he would devote himself to the task of appeasing and smoothing down these petty asperities. I had, I say, indulged the hope that the noble Lord would render a real service to his country and his religion, by adopting this conciliatory tone. But I was speedily undeceived: the noble Lord very soon divided this side of the House into three sections. The first class was the miserable economists; the second, the faithful but erring friends of the Church; the third, those who were bent upon its destruction. And he speedily explained to us the relative numbers of these divisions. Nine out of ten on this side of the House (he distinctly asserted) are for the destruction of the Church. Whether I am ranked by him as a disciple of false and miserable economy, or as an unwise and misguided friend to our Establishment, or as one of its bitter and malignant foes, I know not; but this I know, when I see a person of his character and standing take such licence, I have a right to appeal from his caricatures, to the real enactments of the Bill itself.

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* From a corrected report published by Hatchard.

What, then, do I find in the Bill? I first find the tithe question, which every one has desired, but no one has expected, to see settled, brought to a satisfactory conclusion:—to this conclusion—that the incumbent has no longer to apply to the wretched cottager and impoverished tenant, but has his claim upon the land itself. He has no longer a nominal title to his tithe, to be enforced, if he can, at the point of the bayonet; but a real tithe—a charge upon the first estate of inheritance, recoverable by the peaceful process of an application to the Commissioners of Woods and Forests.

Will any one pretend to say, that this is ruin or even peril to the Church?

The second grand feature of the Bill is, that hereafter there is to be some correspondence between the amount of duty and the amount of stipend. Hitherto there has been no necessary connexion between the duties to be performed and the salary to be received. It has happened that some clergymen, with the most arduous functions to discharge, have had to receive little or no remuneration. And the converse has happened also: those who had the largest revenue to receive, had to execute little or no religious service. One man has a large endowment, but within his fold hardly a Protestant; he does little, and receives high wages for doing that little. Another has a large and growing population under his charge, his duties heavy and anxious, his stipend miserable.

And is our national Establishment hastening to decay, because we adopt the rash proposal of measuring the amount of income by the extent of duty? because we take away from the man whose duties are so light, a portion of his pay, and give it to him who has work to do, and does that work? I cannot see any want of natural equity in this. I cannot see any neglect of the essential interests of the Church. On the contrary, the present system, by which the Church is often liberal and bountiful to the ineffective, and parsimonious to the useful labourer, is not only injustice, but it is the worst husbandry in the world.

The Church in danger, indeed, because you cherish and encourage the real labourer, and because you enable yourself so to do by striking off a portion of superfluous remuneration from those from whom you receive little and limited service! I wish that a proportion of that common sense which every man exercises in his own concerns were introduced into the administration of the affairs of the Church, and then a rule somewhat of this kind would prevail:—Pay nothing to him who does nothing,—deal sparingly with him who does little,—and reserve your bounty for those who earn the bread they eat, who deserve the stipend they receive. This, to my mind, hardly deserves the harsh expressions which the noble Lord has poured upon us. To me it seems to be economy—true justice—wise policy—the restoration of the revenues of the Church to their right and legitimate uses.

The third capital feature of the Bill is, that the remuneration to the clergy shall hereafter be confined within certain limits on either hand. It shall be, not a state of poverty—not a state of abundance; it shall neither rise so high as to attract the envy of the people, nor fall so low as to forfeit their respect. It realizes the desire expressed by the noble Lord (Lord Stanley), "that the ministers of religion should escape, on the one side, the extremes of luxurious affluence; and on the other, those of sordid poverty." Again I ask, where is the wickedness of all this, and where lies the danger?

I have mentioned these three leading particulars, in order to show to the learned Gentleman (Sergeant Lefroy) who has just sat down, that it is just possible that his Majesty's Ministers may have some other design than that which his charity has been pleased to impute to them—namely, "the total destruction of the Church in the utter spoliation of its property." If these Ministers be wicked enough to meditate such results, is it not passing strange that they should have begun with three propositions which, by the concession of all men, including the noble Lord, and even the learned Sergeant, are calculated to add to the efficiency, to the respectability, and to the security of the Church?

Gentlemen attempt to terrify us by saying, "Take care what you do; what you do in Ireland will be an example and a precedent for England." So far as we have gone, I hope it may. I long for the time in which these undeniable improvements shall be engrafted on our own Church.

I come now to the fourth and last provision of the Bill, the point on which controversy chiefly prevails—namely, the Education clause; which has been styled, a proposal to oust the clergy from their habitations, to reduce their churches to ruin, to scatter their flocks without a shepherd, by appropriating that property which ought to maintain the clergy, and by devoting it to some unworthy purpose. Is this quite fair? Does not the learned Gentleman know, that this Bill carries on the front of it a provision that not one shilling shall be abstracted from the Church till every benefice has its minister, and every minister a decent and suitable maintenance? When such gross misrepresentations have gone forth as those which have been current about this Bill (I do not charge the learned Gentleman with originating these misrepresentations, but when they seem to gather strength by the sanction of his well-known accuracy), it becomes necessary that it should be borne in mind by those who desire calmly and justly, and on the real merits to estimate this measure, that not one farthing can be abstracted or alienated from the Church, till every benefice has its pastor, and every pastor has a suitable maintenance.

Mr. *Goulburn:* There is no such provision.

Mr. *Buxton:* What, then, is the meaning of these words in the preamble:—"Whereas it is just and necessary for the establishment of peace and good order in Ireland, and conducive to religion and morality, that after adequate provision made for the spiritual wants of the members of the Established Church, the surplus revenue shall be applied to the moral and religious education of the people, without distinction of religious persuasions?" And what is the meaning of the 75th Clause, which directs, first, the payment of incidental expenses;—secondly, provision for the decent and suitable maintenance of the clergy;—thirdly, the purchase of advowsons and glebes. And when these objects are accomplished and satisfied, then, and not till then, you have to deal with the question of surplus. I must again complain that some little disingenuousness has been exerted in discussing this question of surplus. Gentlemen rest their arguments upon two alleged facts; which facts are not only contradictory, but so irreconcileable, that if one happens to be true, the other is inevitably false. What is the first charge against us? You rob the clergy;—you take away the means of maintaining the Protestant establishment;—the Church is, if not absolutely ruined, greatly impoverished. This implies not only surplus, but a surplus of vast extent; it must be a magnificent spoil that we are grasping. Wait a quarter of an hour, and the same Gentleman shows you, and, as he says, proves to you, by logical demonstration, that under no circumstances, by no possibility, can there be any surplus at all. "It is all a fiction," says the learned Gentleman, "it is a phantom—a delusion;—there is no surplus." If there be no surplus, there is no robbery, no impoverishment, no spoliation. All the terrors of the learned Gentleman are, with the surplus, so many fictions.

I complain of being utterly puzzled by Gentlemen thus shifting from fact to fact. I hear a Gentleman gravely and confidently laying down a position; I set myself to the consideration of that position. When I have arranged my thoughts, I turn back to the speaker, and find him repudiating and showering contempt on the nonsense of his previous position, and lecturing those who have had the folly to believe it. I do not know how to deal with such Gentlemen. I believe I must separately reply to both their positions. First, I will take it that there is no surplus. Then there is no harm done. This clause, as it contemplates an impossible contingency, is in its nature null and void—so much waste paper. It is very foolish, perhaps, but it is very innocent.

But now I will suppose the other side of the question. There is a surplus such as this Bill contemplates. The primary demands of the Church are considered and satisfied. Still a revenue remains, and then the question arises, How shall it be applied? I admit, as readily as any man, that education is not, strictly speaking, a religious object; it is partly religious, partly secular; and therefore do I heartily subscribe to the doctrine of the noble Lord, that in distributing the funds of the Church, the maintenance of the ministers of religion should have the precedence. But when that prior claim shall have been provided for, and a surplus shall remain, then I contend that there is no application of that residue more natural, more suitable, more appropriate to the design for which the property was originally granted, or more conducive to the real welfare of the people, than education.

Education is, to a certain extent a religious object. What is the complaint which has been so often alleged against the Church of Rome? I speak freely; I shall endeavour to give no offence, for I mean none. That complaint—that too just complaint is, that the Catholic Church withholds the Scriptures from the people. The unsullied light of gospel truth is not shed upon them in its original purity; the mandates of their Maker, as he delivered them, are kept back; there is the complaint.

Now the proposed system of education teaches them to read the Bible; in itself no mean acquirement. It gives them a portion of the Scriptures to read, and enforces the reading of that portion. Do I say that this is enough? No; I lament that Scripture is thus sparingly doled out. I wish the whole word of God were in the hands and in the hearts of every Catholic and of every Protestant—of every man and every child in Ireland. That would, and I believe nothing else will, appease the discords of that unhappy country. I wish that all Catholics, and some Protestants also,—for there are Protestants, with whom I have entered into controversy elsewhere, who tremble as much at the diffusion of the word of God, without note, comment, or human interpretation, as any Catholic upon earth;—ardently do I desire that all men of all persuasions would discard from their minds the presumptuous notion, that they, creatures of an hour, can invent any thing more suitable for the instruction of mankind than those Scriptures which the Creator of man has sent for his instruction. Oh! the arrogance of the notion, that eternal truth, administered by unerring wisdom for the instruction of the whole world, may do, nobody knows what mischief, unless sent forth under the protection of human folly for its guide, and human frailty for its safeguard! And, oh! the miserable consequences which have resulted from the denial of Scripture truth in its original purity!

But though this system of education does not do all, it does much. It teaches the Catholic to read. It gives him a portion of Scripture to read. This, by your own showing, is better than former times, for then you told us that the Scriptures altogether were deliberately withheld from the people. So far it is an advance; and I persuade myself that it will be difficult to prevent those who have learnt to read, and have read a selection from the Bible, from perusing the remainder in after-life.

But if it be in some sort a religious, it is, to a greater extent, a charitable object. What is the curse of Ireland? Is it not that charity is expelled the country—that Protestant hates Catholic, and Catholic detests Protestant? They are kept asunder; those who ought to be brothers, are arrayed, one against the other, in hostile bands; but how should that spirit of rancorous animosity live amongst those who were educated at the same school, and shared together for years the same pleasures, pursuits, and studies.

But if it be in any degree a religious or a charitable object, it is altogether a Protestant object. Why, let me ask, is the learned Gentleman a Protestant? Why am I a Protestant? Because we believe that our religion is the truth; because we fear that others are in error. If there be this error, what so calculated to disperse the delusion—to establish the truth, as the spread and circulation of knowledge?

If I thought that light and knowledge, poured in upon the controversy between Protestant and Catholic, would be really giving an advantage to the Catholic, I should begin to suspect that they were in the right. I should recollect that error alone loves obscurity, and flourishes under the disguise of darkness; but I have better faith in the truth of my religion than to dread, that instruction can damage it. I, at least, fear nothing, though I expect much, from the uttermost diffusion of knowledge. If I am right, the more light the better; if wrong, I unfeignedly desire to be awakened to, and to be delivered from, my own mistakes. Knowledge never can be the foe of true religion. It may show where the wit and ingenuity of man, or where, as it more frequently happens, the folly, perversity, and selfishness of man, have stept aside from the plain Scripture rule: it may expose error, but it confirms the truth. True religion, by which I mean religion based upon the Bible, has nothing to fear but from deaf and dogged ignorance, and that ignorance education is calculated to remove. I know that education alone cannot make a Christian, but I know that education prepares the way for learning divine truth.

The learned Gentleman is as well read as any man in ecclesiastical lore; he knows, therefore, that I am preaching no new doctrine, no discovery of yesterday, but good, old, sound Protestant doctrine. I use, to-day, the argument which the Protestants used at the era of the Reformation. Well has this been put by one who was no friend to Dissenters, no friend to Catholics; but was in the constant habit of lashing them, with his scorn and his sarcasm from the pulpit, in a way that would have been most offensive, were it not for the extraordinary wit and ingenuity which marked every thing he said. He was once a chaplain of this House, and he, the most thorough-going high-Churchman of his day, Dr. South, thus claims the argument derived from fearlessness in the diffusion of knowledge. "Some of their (the Catholic) clergy deal with their religion as with a great crime; if it is discovered, they are undone. But our religion is a religion that dares to be understood, that offers itself to the search of the inquisitive, to the inspection of the severest and most awakened reason; for, being secure of her substantial truth and purity, she knows, that for her to be seen and looked into, is to be embraced and admired." And another authority, less eloquent, perhaps, but in a better spirit, the greatest champion that Protestantism ever had, in the controversy with Catholicism—I mean the great Chillingworth, says: "Truth needs only light to discover it. It is our duty to make plain that truth; which my charity persuades me, the most part of them, the Catholics, only disaffect, because it hath not been well represented to them."

I am persuaded that the only reason why the Protestant religion has not been adopted by the people of Ireland, is because it has been presented to them in so obnoxious a form.

I have hitherto been arguing the question upon general grounds, alike applicable to the Church of Ireland, the Church of England, and to every Church in Christendom. These principles embodied in the Bill are good for Ireland, good for England, good for Scotland—good for the Church of every country. But do these doctrines, so generally true, acquire no peculiar force by a reference to the state of Ireland? Can we exclude from our view the unnatural and artificial state of things in that country? It was the capital error of the eloquent and admirable speech of the noble Lord (Stanley) that he happened to forget that there were more than six millions of Catholics in Ireland. Why, that constitutes the difficulty of the case. Had we to deal only with 800,000 Protestants collected together in one province, it would be all plain sailing. Half an hour would be sufficient to discuss and to decide a question which, as it really exists, has puzzled and bewildered every Administration within the memory of man. There lies the very focus of the difficulty—a Church bearing the broad name of a National Church, with the nation opposed to it, numbering amongst its adherents one only of the eight millions of its population, (the bulk of the people being Catholics,) called on to maintain the ministers of a Protestant, and, in their erroneous judgment, an heretical religion. It is, then, when we consider their numbers, and advert to principles of justice, that we see the moderation of the proposal to take a fraction only of the funds which they raise, and to appropriate this fraction not to the support of their faith, but to the general instruction of the people. My attachment to the Protestant faith—and I am as firmly a Protestant, as much convinced of the errors and mistakes of Catholicism as any man who hears me—does not suffer me to think that I shall promote the true ends of religion by disregarding the claims on which this proposal is founded.

There was one sentiment uttered by the noble Lord, to which I heartily subscribe, namely, that it was to be desired beyond all other things that this question should now be settled. Truly has he said, that "this question has disturbed Government after Government, shaken and dissolved Administration after Administration, interfered with the peace and tranquillity, not only of Ireland, but of the Empire at large." He told us a melancholy truth, when he said, that "the present state of the Church is not consistent with the peace, security and welfare of Ireland."

We all know that the question must be settled during this Session. The peace of Ireland, the great interests of the united nation, and more than all, the interests of the Protestant Church of Ireland, claim that this long dispute should now be closed. And can we hope, at any time, more favourable terms than those which are now proposed to us? Can we hope, that while confessedly every day the prospect becomes darker and darker—new passions stirred up, new questions agitated, new obstacles conjured into existence,—when every day brings into life new difficulties; can we hope, I say, at any future period, terms more favourable than those which are now offered? What are they? No benefice shall be destroyed. Is that nothing now in the eyes of those who last year so feelingly contended against the extinction of smaller benefices? That was then the grand objection against the Bill. Many Gentlemen felt it—I felt it: it almost shook my own vote; but now, not one Protestant benefice is to be extinguished. Secondly, the Tithe question settled—the quarrel of two centuries brought to an amicable issue. The Archbishop of Dublin has recently declared, that this Tithe question has been "the unceasing source of mutual dissatisfaction and agitation." The hon. and learned Member for Kilkenny has not been the only agitator. There is another, says the most reverend Prelate; and by this Bill that agitator would be subdued, disarmed, and extinguished. Thirdly, stipend in proportion to labour; adding thereby to the energy, the activity, and the force of the Protestant Church. Fourthly, not a farthing alienated from the possessions of the Church, till its chief and primary object, the maintenance of its ministry, is provided. Why, these are so many new foundations and buttresses to the Protestant structure. They tend not to impair, not to overthrow — but to confirm and strengthen the Protestant Establishment.

But doing so much for ourselves, are we to do nothing to satisfy the other parties in this arbitration? We make them a concession—call it a great one, if you please; we ought to make great sacrifices for the purchase of peace. We ought to make great sacrifices in order to improve the state of things which the noble Lord has shown to be perilous to the Church, and inconsistent with the peace, security, and welfare of Ireland. We make then a concession—but a concession of what? Of Education the foe of error, the terror of superstition and bigotry and intolerance, but the friend of truth, the fast friend of Protestantism—if Protestantism be truth, as I know it to be. I wonder that Gentlemen are not eager to strike so good a bargain. I could almost say, I would give the fifty thousand a year to settle the dispute, were it, to use the noble Lord's expression, to make "ducks and drakes of." How much more willingly will I give it to the diffusion of knowledge, which, in my apprehension, must silently and quietly achieve our own object!

I apprehend that nothing prevents Gentlemen from acceding to the proposal, except a feeling that it is in some sort a sacrifice of principle, an act of unfaithfulness to the Protestant religion, to make any concession to the Catholics.

I think very, very differently. Cast out of view all considerations of the political state of Ireland; dismiss all pity for her perpetual distractions; waste not a thought on the blood that is shed, and the poverty, the squalidness, the starvation which this controversy has created.—Again, throw out of view the general interests of the nation, which are so closely linked with the political state of Ireland:—rigidly and exclusively directing your attention to the Church alone, I maintain that the main and capital interests of the Protestant religion, demand that we should make every just and reasonable concession to the Catholics.

This fact stares me in the face. I cannot rid myself of it. It is the source of almost all the notions I hold upon this subject.

This is the fact:—never had any Church such outward supports as our Protestant Church has had in Ireland. A Church munificently endowed—the gentry, the wealth, the intelligence, the rank of the land, all Protestant. An army at her disposal—no squeamishness in resorting to physical force—there were times within the memory of living men when it was ruin and confiscation to be a Catholic; when it was death to perform some of the rites of the Catholic Religion; when—and I shudder at the memory of the Act I am going to speak of; I wonder almost that our Church could survive such atrocity—when we said to the rising youth of the Catholic gentry and nobility—Listen to truth, come over to our doctrine, be religious men,—and we give you, putting aside an eternal inheritance, liberty to turn your own fathers out of doors!

These advantages the Protestant Church had. But were they advantages? I think they have been the impediments in our way; but one advantage she had—essential truth was, as I think, on her side; but truth itself, backed by a Protestant Establishment, by a Protestant King, a Protestant army, a Protestant Parliament ,—truth itself, so far from advancing, has not kept her ground against error. The proportion of Protestants is less than it was a century ago.

Now, will the noble Lord explain to me this phenomenon? "Truth," says the poet, "by her own sinews shall prevail."

Why is it, then, that undeniable truth, as he and I hold it to be, has not prevailed—has not stood against palpable error?

My solution is, that we have resorted to force where reason alone could prevail. We have forgotten, that though the sword may do its work,—mow down armies, and subdue nations, it cannot carry conviction to the understanding of men; nay, the very use of force tends to create a barrier to the reception of that truth, which it intends to promote. We have forgotten, that there is something in the human breast—no base or sordid feeling—the same which makes a generous mind cleave with double affection to a distressed and injured friend: that principle makes men cleave with tenfold fondness—deaf to reason, deaf to remonstrance, reckless of interest, prodigal of life—to a persecuted religion. I charge the failure of Protestant truth in converting the Irish, upon the head of Protestant ascendancy.

Protestant ascendancy! It sounds well enough in English ears. It seems to mean no more than the Church under the peculiar protection of the State. To that the English people have not, I have not, any objection; but it means something else in Ireland: it means that merciless spirit which, under the prostituted name of religion, has been the author of a war, half civil, half religious, which has prevailed for three centuries duration. Why, even in my time—for I once resided in Ireland—what was the meaning of a good Protestant? I know what an English Gentleman means, when he talks of a good Protestant; he means a man of benevolence, of integrity, of piety, who attends his Church and faithfully adopts the creed that Church teaches; this is the good Protestant in our fashion of speaking. But the good Protestant in Ireland when I lived there, was quite another order of man. There was many a good Protestant in my time, who never darkened the doors of a Church, or puzzled his brains with any doctrines of divinity: the good Protestant in Ireland belonged to a political confederacy—plunged into the depths and excesses of a political struggle—drank, so devout was he, upon his knees, "The pious, glorious, and immortal memory of the great King William who saved us from the Pope and wooden shoes." I have seen a body of those first-rate Protestants going in religious procession through the town of Carlow, waving their orange flag in the faces of a silent and insulted people, marching to the sacred music of "Croppies, lie down," which meant exactly this, "We Protestants are your masters; you Catholics, rise if you dare." Happy had it been for the interests of true religion, had she never numbered amongst her sons any good Protestants of that order—happy had it been for the Protestant Church had Protestant ascendancy never been heard of—happy had it been had we dared to present our truth to the Irish, not in arms, not in pomp, not decorated with the symbols of earthly power, but in that lowliness and gentleness which naturally belong to it.

Had we sent forth a missionary Church—and I know and rejoice in knowing, that the Church of Ireland, of very late years, has possessed a devoted and pious clergy—had she always done so, and had she sent them forth with none other arms than reason, revelation, and naked truth, I do believe that those prejudices which have defied our power, would have yielded to the persuasion of our reason. Our great error has been, that we have endeavoured to maintain Christian truth by unchristian means. We have shipwrecked charity, peace, love: all the attributes which truly belong to our religion—all have been violated in our eagerness to maintain Protestantism and to extirpate Popery.

But I dare not trespass longer on the House, I like the Bill and shall vote for it: first because Tithe is adjusted: secondly, because stipend is to be measured by duty: thirdly, because education is to to be granted. I like, and shall vote for the Bill: lastly, because it bears no affinity to the old, overbearing system of Protestant ascendancy; and because, as I have so often said, it gives my faith fair play; because at last the Protestant religion will do herself justice. Stripped of her odious disguise, she will appear to the Irish what we know she is; she will appear in her natural, her peaceful, her charitable, her attractive character.

But I cannot stop here—I wish I could:—it is my painful duty to make one further observation; though I am well aware that it will be dexterously turned against myself, and that it does in one sense somewhat impair the argument to which I have resorted.

I have argued on the presumption that the education scheme has been carried into execution in its original integrity.

These schools were not to be schools of doctrine; in no sense were they to be sectarian: no creeds, no catechisms, no expositions of peculiar theology were to be tolerated. Those passages of Scripture, and those broad principles of moral and religious truth, in which all unite, were alone to be inculcated.

But a report has reached me, and I grieve to add, from a quarter in which I place entire confidence, that there has been some transgression of this neutrality. I do not think it necessary to enter into particulars; it may suffice to say, that if the selections from Scripture are to be excluded, or admitted indeed, and then laid upon the shelf—if their place is to be supplied by works of a sectarian character, whether Methodist, or Baptist, or Presbyterian, or Church of England, or Church of Rome;—if the schools are to be converted, from institutions in which the children learn common and agreed truth, into an arena for controversy, and seminaries of theological disputation, then the fundamental principle of the contract has been violated.

I ask his Majesty's Government,—and with equal confidence do I appeal to the honour and good feeling of every Catholic Gentleman,—whether they will not join me in preventing so unhappy a change in the impartial character of these institutions;—in purging these schools, which were designed to teach toleration and christian moderation, from the contentious spirit of proselytism?

Assuming that (owing perhaps to the fact that the one party has unfortunately kept far too much aloof, and that thus the too eager zeal of the other party has wanted a wholeome check and control) there may have been grounds of suspicion and complaint, I ask whether any book is to be admitted into these national schools which savours of controversy? and whether any creed or catechism shall be taught in them?

I ask, without dwelling further on the errors and defects which may have crept in, whether the principle of neutrality shall hereafter be kept, pure, sacred, and inviolate?

If I receive an assurance that the subject shall be investigated, and that any deviation from the intention of both parties shall be corrected, in good faith, with a rigid resolve that there, at least, the angry spirit of polemics shall not be harboured or hearkened to—then I can vote for the Bill, and for every clause in the Bill.

If I am told that this pledge cannot be granted, much as it will cost me to separate from the noble Lord (Morpeth), with whom I substantially agree; plainly as I see the inconsistency into which I shall plunge; yet, so indispensable do I deem this strict neutrality—this banishment of strife and controversy from institutions in which the rising generation are to be taught the unwonted lesson of mutual charity and christian affection—that then my vote ought to be, and shall be, withheld.

Mr. *William Ewart Gladstone:* Sir, the hon. Member for Weymouth undertook, at the commencement of his speech, to reprove the noble Lord on this side of the House, who opened the debate, for having professed to come forward in the character of a peacemaker, and for then having failed to satisfy the expectations which had been raised by that announcement. But now let the House or let the hon. Member himself, in his own case, judge whether he has duly sustained the character which he professed to vindicate. What has been the course of his speech? Has he not revived the unfortunate history of former times, and all the topics of animosity which it can supply, recounting to us such cases as he has gathered of insolence or cruelty in the conduct of Protestants? But if Gentlemen on this side of the House were to do no more than follow out the course which the hon. Gentleman himself has traced—if they, upon the other hand, were to search for those details of bloody and fearful retaliation by the Roman Catholics upon the Protestants—[Mr. *O'Connell:* "Shame! shame!"]

The *Speaker*—I must apprise the hon. Member (Mr. O'Connell) that such expressions are not to be allowed in the proceedings of this House.

Mr. *William Ewart Gladstone:* I say,

Sir, if we were to act, as I trust we shall not, on the practice of the hon. Member for Weymouth, and detail the acts of vengeance which have been committed—does the hon. Member refuse to allow, that though we might have an abundantly interesting and vociferous debate, yet, that at its close, we should have approached the nearer by such a course to any amicable settlement of this question? Well, now, Sir, the hon. Member complains of contradictions on this side of the House, because he finds it stated here that there is, and also that there is not, a surplus. Will he allow me to suggest to him a very simple method of reconciling the two allegations—in recollecting that there is a surplus in the Ministerial Bill, but there is no surplus in the actual existing Irish Church. And, has the hon. Member, who reproaches us with contradictions, supplied us with no example of them himself? At one time he told us that he was convinced Protestantism had been repudiated by the Roman Catholics of Ireland, only because of the obnoxious and offensive form under which it had been presented to them. Presently, he went on to reason to the following effect:—"Why continue this vain experiment any longer, when you have been trying it for 300 years, with every advantage, and under the most favourable circumstances?" So that according to the hon. Member, the attempt to propagate Protestantism in Ireland has been made under conditions at once the most favourable and the worst. Then, what picture did the hon. Gentleman give us in the close of his speech, of that system of education which he so much applauded, and on which he had so confidently relied at the beginning? Now, Sir, the nature of this education is a point of great importance, as bearing upon the present discussion; because great as our objections are to the principle of alienation at all we are now, for argument sake, discussing it upon the question of surplus; and our objections to alienation acquire additional force, if the purpose to which the alienated funds are to be applied be in themselves of a questionable order. Of those who sit on this side of the House, I believe there are not many who deny that education in the principles of the Church, itself, is a purpose to which Church property may properly be applied. Further than this, we may be of opinion that an education, such as the hon. Member for Weymouth described at the close of his speech—an education *bonâ fide*, in the broader and more general principles of Christianity, for children of different persuasions—is a very fair subject for the application of the national funds, though not for those which are devoted to the Established Church. But we do not know that the existing education, to which it is proposed to give the property of the Church, comes even under the latter description. Now, Sir, what is the national education of Ireland, not in its theory, but in its operation? It is a system which we are refused the means to investigate, which hides its head in the darkness, and of which we are, therefore, led to conclude that it does so because its deeds are evil. It professes to be an united education for all classes of the people; we have called again and again for a statement of the numbers of children belonging to the respective bodies of Christians, who were in attendance upon the schools, in order to ascertain whether it be an united education or not—and that information has been steadily refused by the Government. We, are, then, driven to refer to secondary means of acquaintance with the state of these schools. The Commissioners of Education have laid their Reports before the Legislature. Now, in the most material points, those Reports have been impugned—I do not say, whether correctly or not—but they have been impugned openly, and that without reply from the Government, or any one else; and yet, although the strongest positive grounds for inquiry have thus been laid, still inquiry has been refused by his Majesty's Ministers. The Commissioners state that there have been 140 applications to the Board for aid from clergymen of the Established Church; whereas the counter allegation is, that those applying were only forty. They state 110 similar applications from Presbyterian ministers; but it is offered to prove that there are but seventy. It is further alleged that there are eighty-four schools under the inspection of nunneries, and other Roman Catholic religious bodies. Now, who that knows the constitution and spirit of those bodies, will believe (and I speak it not to their discredit, but their honour,) that they are likely to conduct a general education in religion with impartiality, and to avoid all attempts to inculcate the peculiarities of their own Church? Well, then, it is alleged, that a sum given by the Board to build a school, went to build a Roman Catholic chapel. Next we have the Scripture extracts. Although these schools do not give the Bible to the children, I admit that something would be done if a large portion of the Bible were thus secured to them. But is this the case? The Commissioners do not enforce, they merely recommend, the use of the extracts. We have no assurance whatever, that their recommendation is complied with; on the contrary, we are told, as well by impartial persons, as by those who may be under the influence of prejudice, that the extracts, even while kept, are not used as books for the instruction of the children. Surely, Sir, when all these allegations have been made in the face of the Government, and of the country, and have remained alike uncontradicted and uninvestigated; when no less a person than the Prime Minister has declared, that he will not ask for an extension of the Parliamentary grant, without a further inquiry into the operation of the system—it is rather too much to propose the alienation of the property of the Church to increase a fund, whose application you allow is not sufficiently indicated to warrant its increase from the national funds. Sir, in considering the general question, I would wish to observe a precept laid down by the noble Lord opposite, and direct my own attention and that of the House, firstly, to the great facts of the case. Now, I ask, have the statements of the noble Lord, the Member for Lancashire, exhibiting the pecuniary state of the Irish Church, been in any one particular shaken, or even assailed? On the contrary, they remain so clear and so convincing, that I am persuaded we might be well content to go to the division with no further effect than that of merely reiterating from time to time the summary result of those statements. Is it, then true, that Ministers are alleging a surplus in the Irish Church, when it stands undeniable that even upon the statement of the noble Secretary for Ireland, excessive as it was, there was but a revenue of 336*l.* for each of the 1,385 benefices of Ireland, with a flock of 615 persons to attend to, often scattered over a very wide extent of country? And is this, upon their own principles, a case in which the excess is such as to justify the invasion of Church property? And yet, from that amount of 336*l.* annually, there are, in effect, large deductions to be made. It was calculated on a basis of 458,000*l.* as the entire parochial revenue. I have myself observed four deductions to be made from this amount:—First, there is the tax upon livings under the Church Temporalities' Act. Either this is to be taken from the gross sum, or else the noble Lord, in stating 500*l.* was the *maximum* income to be allowed, has gone beyond the fact, and this tax is to be deducted even from that *maximum.* Then there is the amount of income accruing upon benefices temporarily suppressed under the same Act. Thirdly, there is a power to erect new benefices, which must be done, if at all, out of this fund; and, lastly, there is a provision that patrons of reduced benefices, of which there will be many, are to be compensated; and this likewise is, I I apprehend, from the same fund. This amount, then, of 336*l.*, is a nominal, and not a real amount. I wish next to call the attention of the House to a circumstance which appears to me of great importance, and which has been hardly, if at all, touched upon in the course of these discussions—I mean the increase of the congregations of the Irish Church. Now, I do think that we have some reason to complain of the Commissioners of Public Instruction on this head. On many of the points which were referred to, they have presented to us, in a summary form, the results of their inquiries, and have fixed attention upon them; but they have not told us, although this matter was referred to them, what is the state of the Irish Church, with reference to increase or decrease of her members. For this we are obliged to labour through the details of their Report. I will, however, state to the House some of the information which they supply. Taking an unfavourable instance—taking two of the dioceses where the proportion of Protestants is smallest, namely, those of Tuam and Ardfert—I find that the decreasing congregations in those dioceses are fourteen, the increasing congregations, forty-one. Next I take four dioceses, where the proportion of Churchmen to Roman Catholics is greater and somewhat above the average—those of Clogher, Kilmore, Ardagh, and Meath; in these I find the diminishing congregations are fifteen, the growing ones 146. And an hon. Member has supplied me with the result taken over the whole of Ireland, which is, decreasing, ninety-six, increasing, 868. Thus it appears that the far larger proportion of all the congregations in the Irish Church are increasing, even—I do not hesitate to use the expression—amidst the fires of persecution; and yet, with this proof that Protestantism is in a vigorous and healthy state, and drawing more largely on its own pecuniary resources, you are about to deprive the Church of that narrow surplus which you allege to exist. But I am willing to go further, and to say, that upon a bare and dry consideration of facts, and upon the showing of the Government itself, there is not at this time any pretence for that allegation of a surplus. The noble Lord has shown that the Perpetuity Fund is inadequate to meet the immediate and essential wants of Divine Worship; that that fund will be absolutely in debt till 1873. Again, it is not less clear that the reserve fund, now proposed to be created, will not for a long period pay its own expenses; the imaginary surplus of the administration can only accrue, gradually, by hundreds, whereas 50,000*l.* annually are to be charged upon it at once by the Bill, and paid in the mean time from the Consolidated Fund. So that on your statement it is not a present surplus with which you are dealing; the necessary wants of the Church are not satisfied, and what you do is neither more nor less than this—you mortgage the Church revenues available in a future generation in order to raise a certain sum of ready money for the advancement of your own political purposes. I will now, Sir, call the attention of the House to a comparison which has been instituted between the case of England and that of Prussia. It is argued, that because in Prussia we see both the Roman Catholic and the Protestant Churches paid from the funds of the State, and harmony existing between the members of the different communions, we have only to adopt a similar course in this country, in order to ensure similar results; and this consideration, I believe, is one which has weighed much with men whose motives and judgments are worthy of all respect, particularly my hon. Friend, the Member for Berkshire, I hold in my hand, Sir, the papers relative to the state of religious instruction in Prussia, which have lately been laid on the Table of this House. I know not upon what principle it is that Commissioners, who as they state themselves, were appointed, only to collect facts and not draw inferences, have been authorised to prefix to these Prussian documents a distinct argument for alienation of church property in Ireland; but I do find that Mr. Lewis, one of the Commissioners, a gentleman of whose industry and talents I speak with respect, has given us what would have made a very ingenious speech in this House on behalf of the Ministerial Bill. Now, Sir, Mr. Lewis tells us that there is a very close analogy between the relation of Rhenish provinces to Prussia, and that of Ireland to England. And I admit that he shows us this resemblance, in respect of the proportion of Roman Catholics and Protestants, which is as seventeen to five; of their local separation from the rest of Prussia; and of the general majority of Protestants throughout the entire dominions of that Crown. But such being the points of analogy, what are the points of difference? Why, Sir, in the first place, the question for Prussia to decide, when she became mistress of the Rhenish provinces by the treaty of Vienna in 1815, was, whether she could maintain existing engagements; and, so far as I see, her support of the Roman Catholic Church in these provinces, is merely a fulfilment of those engagements. It appears, that by a *concordat* between Rome and the consular and imperial government of France, a certain salary was rendered payable to the Roman Catholic clergy in consideration of the confiscation of their property. Therefore, the principle of *uti possidetis* in Prussia was, for the present generation, entirely with the Roman Catholic Church; whereas, in Ireland, that principle, coming to us in the shape of a prescription of 300 years, is with the Protestant Establishment: and I conceive few will deny that this is a consideration of much practical importance. The next point of discrepancy is this—In Ireland you have the Church revenue charged on the soil, and the property of the soil being in the hands of the Protestants, it is their soil which pays their Church. But we do not learn that the distribution of property in the Rhenish provinces is such, nor that the Church revenues there, are connected with the land. But next, Sir, you have in Ireland a feature of discrepancy still more marked. I was much impressed by hearing the hon. and learned Member for Kilkenny declare, on one occasion, last year, in this House, that the complaints and wrongs of Ireland were founded upon mis-government, not of 300 but of 600 years. It is not, then, after all, the religious difference, in which the difficulties of the case of Ireland will be found to terminate; but there is an old hereditary feud of blood—there has been a transfer of property founded upon conquest—and again, upon violent punishment for sanguinary rebellions, which is still unforgotten, and which lies at the root of the existing discord. Could you remove the immediate cause of debate, you would not thereby get rid of this fundamental difficulty. But, on the other hand, in the Rhenish provinces of Prussia, there is none of the extraordinary complication which has attached to this state of things in Ireland. Further, Sir, in Prussia you have a government absolute in its principle, though paternal in its operation. In Prussia, the government has a control, as it appears, over the conduct of the clergy—the King, as these papers inform us, is invested with the episcopal power over the Protestant Church, and has likewise a powerful influence over the Roman Catholic Church. But here, it is not in the nature of our institutions, or in the habits of the people, that the Government should be arbiter of the doctrines taught; and if there be any doubt of the fact, I ask what stronger proof can be afforded than this—that no notice is taken by the Government of that shameful Maynooth morality which has been lately divulged to the world? And again, Sir, I am much surprised to find Mr. Lewis stating, that "in Ireland the provision for the religious worship of the people is made on the supposition, that nearly the entire population is Protestant." We suffer much undue disadvantage in our argument, from allowing this false notion to prevail. But what is the truth? Why, that the parochial revenues of Ireland are not much more than a fifth part of what they would require to be, if provision were to be made by them for the spiritual wants of the whole 8,000,000 of people; instead of 450,000*l.* (which is the revenue alleged to be raised) we ought to have above 2,000,000*l.*; and instead of 1,534 churches, we ought to have 8,000, according to the proportion in the Rhenish provinces. There, in short, an adequate provision is made for the wants of the whole people; whereas in Ireland the whole property with which the Bill professes to deal, is, in fact, no more than enough for a very small fraction of them. Having stated these differences between the case of Prussia and our own, I proceed to one point more, for the purpose of showing how false is this argument from Prussian to English institutions,—because of the difference between the national character and habits of the two countries. I find the noble Secretary for Foreign Affairs wrote thus to Mr. Abercrombie, at Berlin, on the 7th of November, 1834:—

> "I have to instruct you to state to M. Ancillon, that the perfect system of religious toleration, which is not only established by law in Prussia, but understood to be also practically engrafted upon the habits of the people, renders Prussia a model for the imitation of other countries in such matters."

Now I turn to page 7 of the Papers, and I find the following passage; and I ask hon. Members to reflect how great must be the change in our modes of thought and feeling in this country before we could regard with complacency such a regulation as this:—"Proselytism (or inducing a person to change his religious faith by force or persuasion)"—(I beg the House to observe, persuasion is included as well as force in the condemnation)—is "specially prohibited by law, but only punished in case discord between parents, children, or married people shall have been caused by it. . . The zealots of both religious parties certainly endeavour to convert from one religion to another; and conversions do from time to time take place, but, on the whole, in a very slight degree. Controversial sermons are forbidden by law, and are punished by a fixed term of imprisonment." Why, Sir, what a principle is this! The very attempt to spread portions of religious truth is directly condemned by the law, while controversial sermons,—and let us recollect how easily all discussion may be branded with the name of controversy—are punishable by imprisonment. Are we in this country prepared for such a law as this? Do we recognise the principle, that truth is valuable in all other matters, the most minute or the most important, but valueless in religion? No, Sir, it is here believed that truth is the food most precious to the soul of man, and that being the greatest benefit he can receive, it is that which we are bound to use every reasonable means of offering and securing to him. But we do hold that if two men differ upon politics, upon questions of economy, upon matters of art, upon any of the numberless subjects of difference which may arise, they may, influenced by a reciprocal attachment, strive to make one another partakers of the benefits which belong in all things to truth; but that in religion—in that matter of an importance transcending all other differences of belief, are of no weight or consideration, and may not warrant the use of persuasion. I go then, Sir, to the principle of this Bill as it has been variously stated by its promoters. The noble Lord opposite who, to-night, made a speech in answer (if answer it were) to the noble Lord, the Member for Lancashire, told us that this Bill was founded upon a great principle; the principle is great, Sir, and not more great than bad, for he declared it to be, that a Church Establishment is intended, not for the propagation of a doctrine, but for the instruction of a people. I do not know in what degree we may owe the enunciation of this sentiment to the love of antithesis; but this I do say, taking it as it stands, and assuming its truth, it is totally unsatisfied by the present Bill—the case is reduced to one of simple arithmetic, and the noble Lord has nothing to do but to divide the church property of Ireland among the different communions, according to their respective numbers. I am aware that the noble Lord declared himself not prepared to go the full length of this principle, whose truth he alleged; but still he represented it as characteristic of the best state,—as the ultimate turn—to which we ought, by every means, to approximate. But how does the noble Lord's Bill arrange the compromise between this great principle, which he applauds, and the present state of things, which he deprecates? Why,—he allows, professedly, 360,000*l.* a-year to what is *not* the object of a Church Establishment—360,000*l.* a-year, I say, to the propagation of a doctrine, and 50,000*l.* a-year to the instruction of a people, But the other form in which the principle of the Bill has been stated, is nearer the truth. It is said to be this—giving to the Protestants all that is required for their Church, and the rest to general instruction. Now, allowing this, for argument sake, to be really a true description of the Bill, I say, that not only will it never be a settlement of the question, but it ought not to be such. It rests upon no grounds of reason or justice, which can command the assent of any set of men. It is fatal to assume as the measure of the means of a Church Establishment only the existing number of its members, without any reference to its prospective extension. For a Church Establishment is maintained, either for the sake of its members or its doctrines: for those whom it teaches, or for that which it teaches. On the former ground, it is not in equity tenable for a moment. Why should any preference be given to me over another fellow-subject, or what claim have I personally to have my religion supported, whilst another is disavowed by the State? No claim whatever in respect to myself. I concur entirely with Gentlemen opposite, hostile to an Establishment, that no personal privilege ought, in such a matter, to be allowed. But if, on the contrary, I believe, as the great bulk of the British Legislature does believe, that the doctrine and system of the Establishment contain and exhibit truth in its purest and most effective form—and if we also believe truth to be good for the people universally —then we have a distinct and an immovable ground for the maintenance of an Establishment; but it follows, as a matter of course, from the principle that it must be maintained, not on a scale exactly and strictly adjusted to the present number of its own members, but on such a scale that it may also have the means of offering to others the benefits which it habitually administers to them. Therefore, we wish to see the Establishment in Ireland upheld, not for the sake of the Protestants, but of the people at large, that her ministers may be enabled to use the influences of their station, of kindly offices and neighbourhood, of the various occasions which the daily intercourse and habits of social life present; aye, and I do not hesitate to add, of persuasion itself, applied by a zeal tempered with knowledge and discretion, in the propagation of that which is true, and which, being true, is good, as well for those who as yet have it not, as for those who have it. It is the proposition of the noble Lord which is really open to the charge of bigotry, intolerance, and arbitrary selection; because, disavowing the maintenance and extension of truth, he continues, by way of personal privilege to the Protestants, the legal recognition of their Church, which he refuses to the Church of the Roman Catholics. Sir, I have little more to say. I thank the House for their kind attention. We are upon a Bill which will not pass—which I am justified in assuming will not pass, if I may claim for those around me, and for those elsewhere who feel with us—the same degree of conscientious or of determined persuasion which we allow to those opposite. No one looks to its passing. The appropriation principle was once chosen by the Ministry as their tower of strength—they found that they could effect an union of parties for the ejection of the late Government upon that basis, with more convenience and more strength than upon any other ground. They did so, and they gained their object; but having been then selected as their strength, it is now their weakness and the millstone around their necks. I would yet trust that the Government may be induced to join with us in supporting the proposed Bill of the noble Lord (Lord Stanley)—a Bill which attains all the useful purposes of their own measure—which settles the Tithe Question—which recognizes a strict apportionment of duty to reward, but which refrains from opening a question, which, if it be once opened, promises to engender a series of discussions, and perhaps more than discussions, in Ireland, more painful and destructive than any which have hitherto characterized her unhappy history.

Mr. *Poulter* thought the hon. Gentleman who had just sat down had misunderstood what had fallen from the noble Lord, the Secretary for the Home Department. He, (Mr. P.) understood him to say that in providing reasonably and moderately for the Church Establishment in Ireland, he was bound to regard, in a great measure, the population of the whole country, and the great moral and religious interests of that population. And he (Mr. P.) agreed with the noble Lord, that looking to the general condition of that population, he had most adequately and sufficiently provided for the just wants of the Establishment. The hon. Gentleman had said, that the noble Lord, the Member for Lancashire, had made a proposition which no one could find fault with. He (Mr. P.) considered that the proposition of the noble Lord opposite rested upon a basis that could not be maintained. That noble Lord desired to give to one part of the country the benefit of any excess of tithes that was in the other, and where there were small livings in the north, to increase them by tithes taken from parishes in the south of Ireland. In doing that he was forgetting the principle of the original grant of tithes; for that grant always contemplated the particular local benefit of the district on which it was levied. Undoubtedly, in the first instance, the object of the Church should be to provide instruction of a spiritual character, but if that object could not be attained, the next object was to provide moral and religious education; and he (Mr. P.) contended it was much more in conformity with the original grant of the tithes, that they should be applied to that purpose, than that the surplus revenue, arising from parishes in the South, should go towards raising the amount of livings in the North. Such a principle could never be maintained in England. If, in the South there happened to be a very limited Protestant population, a Government would act wisely in applying there the surplus to the education of the people, while he was certain that it never would be endured to take the tithes from those southern parishes, and distribute them in Cumberland, where there happened to be a large Protestant population, and the livings were small. There was, it ought to be observed, a great difference between the tithes of parishes and the estates of bishops. In the latter case the bishops held as landlords, and the property might not even be within the county over which they presided. Bishops' estates then stood upon a very different footing from tithes. He (Mr. P.) contended that they were complying with every religious principle in taking the ground of moral and religious education. It was said, indeed, that the Government, in acting on that principle, would be taking from religion in Ireland and making over to Catholicity. He (Mr. P.) affirmed it was neither the one nor the other. There was a point beyond which ecclesiastical revenues not only were not beneficial to religion, but were repugnant to it. That point he believed to have been passed in the present Church Establishment in Ireland, and in taking from that Establishment her surplus revenues, he considered they were merely taking that which the religion rejected. And then the question was, what were they to do with that surplus? What was the first duty of a nation? It was to look to the moral and religious education of the people. In every individual—in the mind of every individual, they should see a distinct object, and to that object they were bound to apply a moral education. The circumstances of seven-eighths of a people was not a ground for preference—it was a historical fact—but it should not be called a preference. He never should admit that they were actuated by a preference in discharging that duty. But it had been said, that in acceding to the propositions contained in this Bill, they were violating the Union. That might be true as the Union once was. It was once but a contract between the Government of this country and a mere party in Ireland. Why, without the assistance of the hon. and learned Member for Kilkenny (Mr. O'Connell), that Union was virtually repealed in the passing of the Reform Act. That Act had established a real union between the two countries, a union which he (Mr. P.) trusted would ever be maintained. But again it was said, that this Bill was but the commencement, in an attack upon the Church of Ireland, of an attack upon the Church of England. He (Mr. P.) considered that the Legislature should take care that the Church of England never got into that state of disproportion as it regarded the people, as the Church of Ireland now was. If it should, he (Mr. P.) was free to confess he would apply the same principle to the one Establishment as to the other. But did he contemplate the possibility of such a state of things occurring? No: he did not. He believed the majority in England were favourable to the Church; at the same time, he, for one, was prepared to say, that he would abolish tithes, that he would remove the grievances of the Dissenters, that he would admit them into the Universities, revise the articles of the Church, and make the Liturgy as perfect as possible. But, even allowing a state of things to come in England similar to that which existed in Ireland, it was inherently evident, that the same principle must operate in the one case, that had been applied in the other. The supporters of this Bill had been taunted with being influenced by political prejudices; but he (Mr. P.) must say that such prejudices were not confined to his side of the House. What, he should ask, had been the instrument used by the opposite party against this Bill? It was an appeal to political prejudices; it was an appeal to what was called old Protestant feeling against Catholicism. Now, what was the Catholicism against which the old Protestant feeling was properly directed? It was that species of Catholicism which influenced an invasion of this country—which assailed the rights of the people—which was connected with intolerance—such as was known to them in the time of Louis 14th by the revocation of the edict of Nantes—such as was dangerous to them in the time of James 2nd., and frequently perilous to their best institutions. But what was the Catholicism against which the "old Protestant feeling" was now to be excited? Catholicism that claimed equality of rights, and sought for equal justice? He (Mr. P.) asserted, that the appeal made by the opposite party was unjust, untenable, and uncandid. And he must remark upon the reproach which was frequently cast upon the Government, on the ground of their being supported in power by a certain body of Irish Members in that House. He could not consider it any greater reproach against them, that they were the constant advocates of a liberal policy in the present Government, than it was against any other twenty or thirty Members on that side of the House. They were not actuated in the support they gave the Government by any political prejudice, but by a conscientious belief that this was the first Government that had ever been swayed by a sincere desire to look into the grievances of the people, to probe them to the bottom, and administer justice to all classes, both in this country and in Ireland. If it could be shown that they were in error—that they were influenced by unworthy motives—that they had in view any attack upon the institutions of the country. He (Mr. P.) should then have no hesitation in withdrawing from them his humble support, and becoming a firm adherent of the right hon. Baronet, the Member for Tamworth. But till then he supported the present Government in general, because he believed them to have the public good at heart, and this measure in particular, because he considered it fraught with good, founded upon just principles, and calculated to promote the real prosperity of Ireland, and the interests of the United Kingdom at large.

Colonel *Conolly* could not accede to a proposition founded on the supposition of an imaginary surplus, which was to be carried out for the purpose of impoverishing the clergy of the Church of Ireland. The question of surplus was but used as an instrument to sustain a party in power, which party now found that, having used it for one purpose, it hung like a millstone round their necks with respect to all others. He deplored that the peace of Ireland should be sacrificed to such a purpose, and he felt himself called on to say, in contradiction to this presumed and imaginary surplus, that the funds devoted to the use of the Church were not sufficient for ecclesiastical purposes in Ireland. He could not understand why the Protestants of Ireland, because they formed the lesser proportion, should be deprived of their spiritual provision, or be subjected to the spoliation of their Church. Why should Gentlemen on the opposite side prefer what they conscientiously believed to be erroneous, to that which they acknowledged to be pure and real Christianity? His Majesty's Ministers had disturbed and hazarded the peace of the country, by introducing this question of a surplus for party purposes, and on them laid all the responsibility of the consequences. Instead of injuring the Catholic body in Ireland, the ministers of the Established Church, by standing towards them in the place of a resident gentry, had done more to advance civilization in that country than could possibly be described. He had heard much of justice to Ireland, but he knew of no greater injustice which could be inflicted on that country than would be effected by acting upon the supposition of this imaginary surplus. The clergy were said not to be active in making proselytes, but at the very moment that they showed themselves most intent, a measure was proposed to impair their efficiency. The present Bill was more dangerous to the Establishment than that proposed last year, for it worked out its object more insidiously. It made a premium on the diminution of those professing the principles of the Church of England, and would add materially to that expatriation of the Protestants of the country, which had already, to so great an extent, taken place.

Mr. *Henry Grattan* said, that there were two documents on the Table which decided this question. The one showed that the House thought 25,000*l.* sufficient for the spiritual wants of 700,000 Protestant Dissenters in Ireland. The other, that the members of the Established Church were only 800,000.; and they had a revenue of 792,700*l.* Either the Dissenters were most unjustly treated, or the Church was amazingly overpaid. That in his opinion decided this question. The hon. Member for Newark said, the clergy were not paid as they ought to be, and that, divided among the whole, this sum would give but little to each. He forgot that those who really laboured, received only 75*l.* or 80*l.* a-year, whilst the rector got 500*l.* or 600*l.* But what, upon the hon. Member's calculation, should be paid to the Catholic clergy? What would the sum be, if they were paid in the same proportion as the Protestants? The salaries would exceed the sum of 6,400,000*l.* In his speech, the hon. Member for Newark committed one capital error; for when he spoke of Ireland, he forgot her people. In applying his principles, he spoke of religion like a bigot, and of Irish rights like a tyrant. With an ingenuous look, and a very modest air, he delivered the worst sentiments. He had all the meekness of a bishop, but he only wanted the axe to make him an executioner. It was not only of him that he complained, but on behalf of his country he complained of the arrogant and insolent tone and style which had been adopted of late towards Ireland, whether in speeches of Members opposite, within these walls or outside of these walls—whether in the harangues of those itinerant empirics, supported by the party opposite, or by their hired and paid writers and papers. They indulged in a strain of grossness and insolence, and abuse, which was disgraceful even to the men who employed and supported them. One of these vehicles of slander, so notorious for its abuse of the Catholic clergy, had gone to such lengths, that connected, as it is said to be, with a Member of this House, and which connexion he had not heard denied, he was almost induced to bring the matter before the House. He did not know how any man of gentlemanly feeling could submit to the suspicion of being connected with such infamous productions, and which reflected such disgrace upon any individual, but more particularly a Member of this Assembly. It had been stated, that this measure ought to be final and satisfactory; but no sooner did the Government bring forward a plan which had some chance of succeeding in being so, than the Gentlemen opposite get up and pronounce their *veto* upon the Bill. The hon. Member for Newark had emphatically said, that the Bill would not pass. Thus it happened that whenever any measure of good, however distant, was held out to Ireland, those Gentlemen prevented it at one moment by their power, at another by their new-fangled law—the army, on one occasion—the suspension of law and of the Constitution at another—the bayonet, the musket, and now the Lords. He must tell English Gentlemen, that such proceedings were unworthy of them and of their country. England would not long permit it—Ireland would not submit to it. She derided this species of legislation. Such proceedings might satisfy those who had been trained at Crockford's, or in houses of that description; but they ill became the House of Commons, and would be received with derision as well as detestation in Ireland. Hon. Members only talked when they fancied they legislated, but while they deliberated, Ireland decided—she had decided—her mind was made up. She took the noble Lord opposite (Stanley) at his word. He told her that tithes should be extinguished, and she acted on his suggestion. True it was that she did not understand the duplicity of phrases, and that double language, which in the mouth of that Minister meant one thing, whilst it expressed another; but in effect, the principle was carried; for the burden was now so intolerable, that the whole island was convulsed from its centre to its circumference. The hon. Member for Newark said, the Lords would not pass the Bill. That would add fresh fuel to the conflagration; the people were still meeting in Ireland; and they would mark the words of the hon. Member. The people of Ireland were meeting in numbers, such as he had never seen before—in concert, activity, and spontaneous exertion unparalleled—aye, and uninfluenced, save by a sense of injury, insult, and injustice. Let them read the threat just held out to Ireland. This Bill gave some hope of relief, but the Lords would not consent to it. This was a declaration of war against Ireland; and would not Ireland pass her declaration too, and call for aid to reform or control that body which thus interposed its proud *veto* between her and her tranquillity. Did the right hon. Baronet opposite, who had deserted the Orange party in Ireland, think that that party would now support him. Did the noble Lord (Stanley) imagine that he had not already inflicted sufficient injury upon Ireland, by his conduct with regard to this very question, that he came forward to-night to thwart the Ministerial measure? Did the noble Lord think his present Bill would be more successful than his former attempts? The noble Lord united tithes and rent. He brought into conflict men who were before, if not amicable, at least not hostile. Supported by the evil advisers of the Church, he struck a deadly blow at the Establishment. He had made a great body of landlords, middlemen, and farmers of 500*l.* a-year, discontented, and a new engine of persecution had just been brought into action. Old law-books had been raked up for writs of rebellion, and a tyranny, under the mask of law, had been established. Under this system, police, with fixed bayonets, forced their way, in the dead of night, into the houses of the sleeping peasantry. This occurred in Monaghan. In another instance, an old man was dragged out of his house in the middle of the night, and lodged in gaol, although he had never absconded. Thus it was that the Lay Association vindicated the law—were they vindicating justice? He asked, could such a state of things go on? Would Gentlemen opposite submit to it? All were concerned, for against some decided Tories had Bills been filed, and proceedings taken. Deeds and family papers had been made public, and scenes of litigation, jealousy, and strife had embittered society in every part of Ireland. The noble Lord went into long details. Did he go into the details of the deaths, and the battles fought in this holy warfare? He could mention the names of the persons who had lost their lives in a few years of this religious strife. Conceive sixty-one persons killed in the collection of tithes. In one of the parishes in which lives were lost, the number of Catholics was 11,495, and of Protestants, 546. The Church revenues in that parish amounted to 1,173*l.* In another the Protestants were twenty, the Catholics 2,909, and the amount of tithes was, 535*l.* In another the Protestants were sixty, the Catholics 4,700, and the tithes, 804*l.* After this, would the noble Lord say, the Church revenues were fairly distributed, and that they had been purchased cheaply at the loss of sixty-one fellow-creatures? How were the Orangemen treated? They were led on—encouraged—told for a number of years, by the right hon. Baronet and his party, that their ascendancy was the link of the connexion, the stay of the Church, and the support of the State. This was the Tory doctrine for the last sixty years; and yet, after this instruction and this declaration, the gallant officer, all his friends, and the lodges, and, in fact all the elements of the Association were thrown overboard, despised, and degraded by those men whom, unhappily, they had so long followed. To avenge this insult, and to resent such duplicity,—such political apostacy as was unexampled in history,—let them use their exertions in the cause of humanity. Coalitions had been spoken of—let them be adopted and acted upon. Let them abandon their false friends—let them withdraw all confidence from those leaders who had deserted them, and let them on this occasion take their stand by their country. So would they uphold her religion, and secure the public tranquillity.

Mr. *Hardy* respected the Gentleman opposite for his opinions, and gave him every credit for sincerity. He thought, however, that the Gentleman, on his own principles, was bound to oppose the Bill before the House. If, as the hon. Member contended, 750,000*l.* was annually given to the Irish Protestant Church, while only one-fifteenth of that sum was expended on the education of the Irish Catholics, and that the present ecclesiastical system was bad in consequence of this great disparity, then, assuming this to be true and just, there was not a Gentleman on the other side who was not bound to vote against the noble Lord's Bill, as not going far enough. If equality were the object to be gained, the Bill was unjust; if the application of revenue proportionate to the relative members of the two creeds be the criterion, then it was also unjust. Unless, then, the cry against the injustice and wrong offered to the Catholics in withholding from them the surplus revenues to a large amount of the Protestant Church were a fraud and a delusion, the Gentlemen opposite were bound to oppose the Bill, which leaves the Protestants so much and gives the Catholics so little. He heard much complaint of the enforcement of the law. But, unless the law were to be a dead letter and a mockery, the sentence of a court of justice should be appealed to by the suffering clergy, and that sentence should be enforced. Resistance to the law he did not think was the spontaneous act of the people, but was primarily excited by those who had political interests to advance by agitation and disturbance, and by the Catholic Clergy, who looked not to fair dealing or obedience to the law, or national ease and prosperity, so much as to their own ascendancy. He did not mean to cast indiscriminate censure on all the Catholic Clergy, but referred to those who urged on the people to resistance, and plunged the country in disorder, crime, wretchedness, and poverty. To show that the fair and peaceful adjustment of any one question was not the single and simple aim of these intriguing Priests and rampant agitators, he would instance the late agitation meetings got up on the subject of the Irish Municipal Bill. In all discussions at public meetings on that subject, the Irish Tithe Question was mixed up with it, and insidiously made auxiliary to it, although the Tithe Question was neither the subject of debate nor made properly any part of it. Was not this strong proof that when agitation served the purposes of party, grievances were thrown in, in the lump, to excite the public animosity? Was it then to be credited, or, if credited, to be borne, that Government should, if not sanction, at least connive at practices like these; and, what was far worse still, that the untutored and ill-directed peasantry should be suffered to run riot against the law, should be almost encouraged to stamp it under foot, to the violation of the public peace, and the infallible ruin of all public prosperity? Could society exist under such continued disorganisation as this—a disorganisation not produced in a struggle for liberty withheld from the many, but produced for the aggrandisement and selfishness of a few? It was shown that there would, even by the present Bill, be scarcely any surplus. Then, if so, why, in the name of common reason and honesty, insist upon it, in opposition to the amendment, which proposed a fair and impartial distribution of the revenue of the Church? But, in simple truth, it was not the appropriation of 50,000*l.* surplus for the education of the Catholics that was really the question. It was the utter extinction of tithes eventually that was asked for, under the semblance of appropriation. Was it not wicked and base to insult the Irish people with this delusion of appropriation? The application of the superabundant revenues of one parish to the wants of another would not satisfy the priests, who would say, that any application of the revenues of the

Church for the Church, was a grievance and an injury inflicted on the Catholics, whose hereditary revenues were appropriated to the uses of men whom they designated as heretics. If the Catholics refused to comply with the law, and pay those demands that were justly due from them, then the law must not be suffered to be beaten down by factious or insurrectionary violence, and these parties must take the consequences of their headstrong disobedience or disaffection. The noble Lord, who professed the Protestant religion, and avowed attachment to it, was inflicting the deepest injury upon it. By his proposed suppression of 860 parishes, he would take away the light of true religion when it was most wanted. The noble Lord had that night stated, that the use of an Establishment was not for the diffusion of doctrines, but of education. But, on a former occasion, when the question of the Church of Scotland was under the notice of the House, the noble Lord declared that the use of an Established Church was for the propagation of the best system of religion. What religion, then, as the best, would he propagate in Ireland? Was it the Catholic? He hoped not; for, according to the opinions of the noble Lord himself, it was his duty to propagate, to encourage, and foster the Protestant Church there; for in what other Church could there be found so much of the genuine spirit of the Christian religion? As a proof of the power exercised by the Catholic priests, he would refer to the opposition given by them to the reading of the Bible, and to the fact of their having publicly destroyed it. It was this tyranny that was the chief curse of that country, and prime oppression under which she laboured; and until that tyranny was crushed the people could not be loyal, prosperous, or free. It was this tyranny that prevented them from embracing the Reformed faith, like the English and Scotch. When the hon. Member for Kilkenny dwelt so earnestly on the struggles of the Scotch against the Church of England, he should have known (he could not indeed be ignorant, but he concealed the fact) that their resistance to episcopacy was from its supposed approximation to Popery. Though embracing most of the doctrines of the Church of England, they opposed it from a fear that it was not far enough removed from Popery. He was astonished to hear such fraudulent arguments as those he alluded to used by men who knew better. It was the duty of Government to adopt the doctrines that were most in accordance with truth, and as such to uphold the Protestant Church. The hon. Member concluded by declaring that he would support the motion of the noble Lord, the Member for North Lancashire.

Mr. *Villiers Stuart* felt bound to give his general support to the measure of his Majesty's Ministers, although he could not extend his unqualified approbation to that part of it which imposed upon the Catholic landlords the necessity of contributing to the maintenance of a Church from which they derived no benefit.

Debate adjourned.

HOUSE OF LORDS,

Thursday, June 2, 1836.

MINUTES.] Bill. Read a third time:—Slavery Abolition (Jamaica).

Petitions presented. By the Marquess of Northampton, from Norwich, against the Punishment of Death for any Crime but Murder.—By the Bishop of BRISTOL, from various Places, for the Better Observance of the Sabbath.—By Viscount LORTON, from Athlecgue and Fuerty, for the Amendments made by their Lordships to the Municipal Corporations' (Ireland) Bill.—By Lord DUNCANNON, from Waterford, for Abolition of Tithes (Ireland).

EAST-INDIA SUGAR.] The Earl of *Clare* rose, pursuant to notice, to present a petition agreed to at a numerous meeting of proprietors of East-India Stock, on the 6th of May, praying for an equalization of the duties on East and West-India sugars. He had already presented a petition of a similar nature from the European and native inhabitants of Bombay, on which occasion he had shortly stated the claims of the petitioners on the considerate attention of the Legislature; and feeling the subject to be one of great importance, he would again briefly trespass on their Lordships' time while he made a few observations on the subject. No one, he believed, would now venture to deny the justice of the claims of the petitioners; and in his opinion the representations made by them demanded, at the present time, particular consideration. Before the conclusion of the last charter, by which the China trade was taken from the Company, reasons founded on their possession of that trade might have been advanced against the claims of the petitioners; but, since the passing of that charter, those arguments no longer existed, for the whole burden of supporting the Government, civil and military, was thrown on the territorial revenue on the soil of India. Those expenses must be met by the industry of the natives of that country; and, therefore, every fair protection and encouragement should be extended to them. The Government of this country, he would say, was never in a better situation than now to ameliorate the condition of their fellow-subjects in India. No one knew better than he did the necessity which existed for fostering the industry of the natives of India. He took the warmest interest in the welfare of India, and that welfare, he was perfectly convinced, could not be effectually protected unless they allowed the natives a fair participation in the trade of this country, by admitting the produce of India into the home-market. He begged leave to ask the noble Viscount opposite, what the intention of Government was with reference to this subject?

Viscount *Melbourne* said, their Lordships would see that it could not be in his power to give any decided answer to the question which had been put to him. The noble Earl knew, as well as he did, that when those distinctive and discriminating duties were imposed, it was for the protection of a very important interest, which had grown up under the system; and, therefore, the subject required to be most deeply considered before extensive alterations were made in it. The noble Earl must also know, that there were circumstances connected with the situation of one of the parties to whom the measure prayed for related, which rendered it necessary that they should be more than particularly cautious in considering and deciding on this question. He could assure the noble Earl, that his Majesty's Ministers were as sensible as the noble Earl was of the importance of the subject, and the strength of the claims set forth by the petitioners; and he trusted that, when they had communicated with the various parties whose interests were concerned, they would be enabled to introduce a measure that would prove satisfactory to all.

Lord *Seaford* wished to call the serious attention of his noble Friend to this question, which involved a variety of very important considerations; especially after the measure of emancipation, which had been sanctioned by that and the other House of Parliament. He did not object to the prayer of the petitioners; he had no objection to affording to the growers of sugar in the East Indies a fair participation in the markets of the mother country. He however, wished to confine the privilege to sugar actually grown in those presidencies, and exported as surplus produce, after the wants of the presidencies were supplied. He certainly would not extend the privilege to sugar merely imported from those East-India possessions, without clearly ascertaining how the deficit occasioned by the exportation was filled up. His object was, if practicable, to afford effectual protection to the sugar of the West-India colonies, against the introduction of foreign sugar into the home-market. It was not merely sufficient to state that East-India sugar should be admitted to the home-market on the payment of low duties, it would be further necessary to provide that the transactions were of a *bona fide* nature. If this were not provided for, a trade might be carried on, in perfect compliance with the strict letter of the law, but which would not, in any degree, promote the professed object of those who were anxious for the equalisation of the duties—which would not benefit the grower or the consumer of sugar in India. He would take the case, to exemplify his argument, of a cargo of sugar shipped from China to any of our presidencies in India, exchanged there for native sugar, and the latter sent to London. If that portion of sugar were required for India, it would be consumed there; but, by the transfer which he spoke of, its place would be supplied in the India market by so much foreign sugar; and the effect would be practically, as he had already said, to introduce so much foreign sugar into the home-market. By transactions such as these the grower in India would not be benefitted—no new demand would be created—for as much foreign sugar would be introduced as was withdrawn of native sugar, the actual growth of the presidencies. Then, he would ask, was it desirable to supply the East Indies with foreign sugar for their consumption, instead of allowing them to consume their own? Was it desirable to export native sugar from India, which the inhabitants required for their own consumption? He could not see that it was in any way desirable, either for the interest of the grower or of the consumer. If they wished to establish a new trade in foreign sugar, why, let it be done openly, and not in a covert way, which might injuriously affect important interests. The noble Lord then adverted to the Slavery Abolition Act, and observed, that if that experiment were successful, those who had carried it would have achieved the greatest triumph for humanity that any country had ever carried into effect. It was not enough, however, that the negro population should be emancipated; it was necessary that they should improve their moral as well as their physical and political situation. Therefore, it was necessary in legislating on this question of sugar that they should proceed with the greatest caution, since it was in the cultivation of that article that the negroes were chiefly employed. The greatest proportion of the estates in the West Indies were under the cultivation of sugar. If that cultivation were rendered profitless, those estates must go to ruin, and the labouring population engaged on them, which was not less than two-thirds of the whole, would be thrown out of employment, and thus the beneficent intentions of the Legislature with reference to the negroes would be retarded, if not defeated. After alluding to the excellent working of the new system, especially in Jamaica, which he attributed in a great measure to the exertions of a noble Friend of his, he again adverted to the evil which might be produced by allowing the admission of foreign sugar, in the way he had stated, to the home-market, and called upon Ministers to consider how far it was worth while to run the risk of inflicting on the West Indies such a calamity as he had alluded to, by immediately abandoning a system which had so long prevailed.

The Earl of *Harewood* was gratified to learn that nothing was to be immediately done in this matter, and that before any thing was done in it the subject would be properly considered. The claims of the West-India Colonies first to be relieved from all the restrictive duties to which they were now subject, could not be denied.

Lord *Ellenborough* agreed in that part of the noble Viscount's speech as to the necessity of proceeding with due caution. The latter part of the speech induced him to suppose that Ministers meant to do something—most probably very little—with reference to this subject in the present session; but what that little would be he was left to conjecture. Considering what had fallen from the noble Baron (Seaford), it would have been well if the noble Baron had given some notice of motion before he brought under consideration the topics to which he had adverted, so that noble Lords might have come down prepared for their discussion. It did, however, appear to him at the time that the Bill for the emancipation of the slaves passed, that that measure was a final settlement with reference to the situation of the West-India Colonies, and he felt that the East Indies and the West Indies now stood precisely in the same situation and that both had an equal right to the favourable consideration and benevolent protection of Parliament, more especially now, when the Legislature had granted so large, so munificent an indemnity to the proprietors in the West Indies. He admitted that they must use much caution and circumspection in looking at those great interests which were connected with this subject; but, nevertheless, he did think that the question of the assimilation of duties between the sugars of the East and of the West Indies was no longer a question of principle, but merely of time; and he was convinced that the East Indies had a very great claim on the favourable and attentive consideration of Parliament. The manufactures of this country were sent into India at a very low rate of duty, in consequence of which the native manufacturers were almost destroyed. The greatest possible difficulty was experienced, not only in remitting to this country the fortunes of individuals, but in sending home those sums which were essentially necessary to meet the engagements of the Indian Government in this country. It was therefore a point of essential importance, both with reference to policy and justice, to afford every opportunity to India to enable her to avail herself of the resources of her soil.

The Marquess of *Northampton* thought, the question was one upon which they should proceed with great caution, until they had ascertained what the result of the great experiment would be which was at present making in the West Indies. Great danger would arise to the success of the scheme of emancipation if, by failure of crops or other causes, the negro population were reduced to any distress. We should also lose the influence with foreign nations if such were to be the case, on a subject of greater importance even than that of slavery—namely, the slave-trade.

The clerk was proceeding to read the petition, when an informality was observed, and it was withdrawn.

HOUSE OF COMMONS,

Thursday, June 2, 1836.

MINUTES.] Petitions presented. By Mr. T. DUNCOMBE, from various Places, for Inquiry into the Case of Lieutenant Colonel Bradley.—By Mr. WILKS, from Boston Public Library, for Repeal of the Duty on Newspapers.—By Mr. LAWSON, from Knaresborough, in favour of the Lord's Day Bill.—By Mr. GILLON, from the Spirit Dealers of Hamilton and Cumbernauld, in favour of Spirituous Liquors' Bill; and from Hamilton, for Extending Qualification for Electing Town-Councillors to all Householders. —By several HON. MEMBERS, from various Places, for Municipal Corporations' (Ireland) Bill.—By several HON. MEMBERS, from various Places, for the Abolition of Tithes (Ireland); and that the House will adhere to the Provisions of the Municipal Corporations' Bill as originally passed by them.—By Mr. BAINES, from the Stationers of Leeds, for Allowing a Drawback of the Duty on Stocks on hand.—By several HON. MEMBERS, from various Places, against Turnpike Trusts' Consolidation Bill.

TITHES AND CHURCH—(IRELAND) ADJOURNED DEBATE.] The order of the Day for the adjourned Debate on the Irish Tithe Bill having been read,

Mr. *Barron* rose. He said, that he felt it his duty, as a resident of Waterford to contradict the statements that had been made in the debate of last night, relative to the sentiments of the gentry of that country, both Protestant and Catholic. The support given to this Bill was not confined to the Catholics alone. The Protestants also were, he was fully convinced, most anxious that a Bill, such as that which had been introduced by his Majesty's Government, should receive the assent of that House. All the most influential landed proprietors, all the men of information, property, and station—the magistracy, and even the clergy in his part of the country—were most anxious that the Bill brought in by his Majesty's Government should pass; and they expressed their opinions openly and by petitions, that this question should be finally settled. There could not be a greater delusion practised on the people of England than to say, that this was a Catholic feeling and a Catholic agitation. He could assure the House and the English people, that the Protestants of Ireland were heartily sick of agitation, and so were the Catholics of property and station. But they knew well that this question would never be settled on the principles laid down by the noble Lord or the right hon. Gentleman opposite. They knew those principles to be unjust, and they would not be parties to injustice. They thought, and thought properly, that the people had a right to a portion of the tithes and of the Church property, which had been granted by their ancestors, not for the benefit of a petty sect—nor for political purposes—not for the advantage of an exclusive party—but for the general good of the community. Was he to be told, that though every shilling of this property had been bequeathed by Roman Catholics, their descendants were to have no share of its produce? Was this justice—was it common sense—was it decency? It was injustice of the grossest description, to which neither the Catholics of Ireland, nor the liberal Protestants and enlightened Dissenters would ever consent. By an act passed in the 28th year of Henry 8th, which still remained unrepealed on the statute-book, every clergyman, on being inducted into his benefice, was obliged to swear that he would maintain a school for the education of the people of the parish. Much had been said by those who called themselves the supporters and champions of Protestant principles, in the House and out of it, on the sacred obligation of an oath; but he would ask, had the clergy of Ireland observed that which they had taken? In five parishes of Ireland, in which he had property, not a single school was kept by a Protestant clergyman, and he knew, at least, one hundred others similarly circumstanced. The Protestant clergymen, in two of those parishes, to whom he had made application, had refused, in writing, to subscribe a single farthing towards maintaining a school where Protestants and Catholics were educated together. Tithes were originally intended for the support of the poor, for the education of the people, for the building of churches, and for the maintenance of the clergy. The Ministerial Bill only enacted that a portion of them should be set apart for the purpose to which they were originally intended to be applied, and to which no one could deny that the Roman Catholic clergy had applied them. The speech of the noble Lord, the Member for North Lancashire (Lord Stanley), had for its object, to prove that there would be no available surplus in the revenue of the Irish Church. He might say, without meaning any disrespect to the noble Lord, that his speech was a mere *rechauffe* of the speeches delivered last year by the right hon. Baronet (Sir Robert Peel), and as a *rechauffe* was always less agreeable than the original dish, so had the noble Lord's speech hung heavy on the ears of hon. Members. He was sorry to see a noble Lord, of his supposed standing and talent, treat the question in such a manner. Not one single argument advanced by the noble Lord could have the slightest effect in convincing a single unbiassed Member of the House. Taking into consideration the resolution of the House, passed last year by so unexpected a majority, and the increasing majorities of Government, he must say, that the noble Lord had brought forward his motion without having the slightest hope of carrying it, for the purpose of embarrassing, not of settling, the Irish tithe question. The noble Lord had ridiculed the idea of considering the Ministerial Bill as a final measure; but could the noble Lord expect that his proposition would lead to any thing approaching to a final settlement, after the recorded opinion of the House, and the expressed determination of the people of Ireland? The Bill advocated by his side of the House would put an end to agitation, and be hailed by both the Protestants and Catholics of Ireland as a great boon. When Gentlemen opposite told him that their measure would be final, he must ask what they meant by a final measure. He was not aware that any single law on the statute-book could be regarded as a final measure, and such a view of it would be contrary to the very essence of our Constitution. Why, Gentlemen opposite had once flattered themselves that the ancient systems of Parliamentary representation and Municipal Government would be final measures? It was ridiculous, in the present improved state of knowledge and information, to talk of final measures. He was not one who wished to see continual agitation in this or any other country. It should be recollected, however, that the people of Ireland scarcely ever obtained any thing in the way of concession, save when they had agitated, or had arms in their hands. This was the case in 1782, in 1793, and in 1829. But were not these dangerous examples—would it not be better to teach the people to look on concession as the result rather of a sense of justice on the part of the Government than of their agitation? It was the system pursued by the right hon. Baronet that had drawn men of influence and property into the whirlpool of agitation. They knew they had to deal with an inflammable people—a high-minded, a brave, and a sensitive people, and let them beware how they trifled with such a people much longer. If they persevered in their mischievous course, they would draw men of property out of the country, or into the ranks of agitation. They had too long treated Ireland as a conquered province, and they seemed to forget that there were 7,000,000 of Roman Catholics who lived within its boundaries. He calculated the Church property in Ireland to amount to 752,000*l.* Gentlemen had argued as if 480,000*l.* was the whole of the Church property. They had omitted the glebe property—the Bishop's lands, palaces, and gardens, and other holdings, which he valued at 190,000*l.* a-year. Then came the ministers' money—80,000*l*; making altogether 752,000*l.* a-year. He wished to give 50,000*l.* to the original owners, which would leave to the Church in Ireland 702,000*l.* a-year—a sum fully sufficient for the Bishops, the Ecclesiastical Commissioners and other purposes; all they asked was, that of this 50,000*l.* should be appropriated to the purposes for which it was originally intended. This would leave 700,000*l.* for the spiritual instruction of the Protestants of Ireland, at a cost of 20*s.* per head. At the same rate the Catholics of Ireland, who were comparatively uninstructed and unenlightened, would require a sum of 6,500,000*l.* In France, where no complaint was made of the want of spiritual instruction, he had reason to know from calculations made by the Minister of Public Instruction, and men of considerable experience, that it cost at the rate of 2*s.* per head. In Scotland the cost was 2*s.* 6*d.* a-head for the whole population. The more they examined it the more monstrous it would appear. The rate in England was between 5*s.* and 6*s.* per head. In Ireland it was near four times as high as in England, ten times greater than the rate in France, eight times greater than that of Spain, and twenty times greater than that of America. Could hon. Members really think of supporting such a system for any length of time? Would they grant the concession the people of Ireland looked for in time, or would they wait till they were forced, like the right hon. Baronet, to concede what they might have at first yielded with a good grace? He implored the other side of the House, if they wished to save Ireland from the troubles that threatened to disturb that country, to come to a compromise with his Majesty's Government on this vitally important question, and to assist the men of landed property in Ireland to save that property from being swept away in the agitation that was daily gaining ground. If they did not, they would see the whole of that property inevitably swept away, perhaps in their own time. He could assure hon. Gentlemen that his conviction was, that when landed property in the south should be swept away, that in the north would not be safe. The noble

Lord had assisted in diminishing the number of Bishops in Ireland by ten, upon the ground that they were not necessary to the spiritual purposes of the Church or the Protestant population; and upon what principle did he refuse to diminish the number of the clergy who had no flocks on whom to attend? In many of the benefices in Ireland the Protestant population varied from three to thirty, and yet in such instances the noble Lord would give the clergyman an income of 300*l.* a-year. Let such parishes as he had described be united to the adjoining parishes, and even then there would be but little duty for a clergyman to perform. The noble Lord had asked would they starve a clergyman on 100*l.* a-year; but he Mr. Barron would ask in return why would the noble Lord give anything a-year to a clergyman who had nothing to do, and no flock to attend? It was well known that in Ireland men went into the Church merely for the purpose of getting appointed to a sinecure living. Those were the kind of men who were destroying the Protestant Church in Ireland. Those were the kind of men who had destroyed the Church in France, who had destroyed the Roman Catholic Church in England, and who were now destroying the Church in Spain and in Portugal. The principle of the Bill which the Government had brought forward was, to save the Church, and not to spoliate it. It would establish in Ireland a useful body of working clergymen, who would be respected by all classes, in the room of the hunting parsons, who spent their time and the produce of their benefices, not amongst their flocks, but with their families, enjoying the gaiety of Paris and Cheltenham. In the county of Waterford where he resided, there was parish after parish without any resident incumbent. He could ride upwards of thirty miles from his own house without finding one resident incumbent. The people of England perfectly understood now that the cry of the Church in danger, raised by Gentlemen opposite, was not raised for the safety of the Church, but from a love of mammon. For this it was that Ireland was to be left a prey to famine and bloodshed. Did the noble Lord (Stanley) think that he had so much weight in Ireland as to induce the people of that country to receive at his hands what they had refused at the hands of the right hon. Baronet near him, the Member for Tamworth? If he did, he greatly deceived himself. The people of Ireland admired the straightforward manliness of character of the right hon. Baronet, but they despised the paltry wavering creature who was ever undermining his friends and undoing his own acts. The noble Lord would, if he could, undermine the present Government. in order that he might himself come in for some situation in the general scramble. He could tell the noble Lord that the people of Ireland had no confidence in him, or in anything that emanated from him. They had much more confidence in the right hon. Baronet. He was sorry the noble Lord was not present, for if he were he would speak of him with still more freedom than he did. The noble Lord's Bill was nothing but a delusion. It was inconsistent, too, with principles professed before by the noble Lord himself. In the last year the noble Lord declared that the doctrine of proportion was pregnant with danger as applied to Ireland, and yet he now wished to apply that very principle to Ireland in paying the Protestant Clergy. It was sickening to see public men thus abandoning principle, and unsaying one day what they had said on another. He contended that there would be a large surplus, notwithstanding the denial of the noble Lord. The noble Lord had spoken of unnatural alliances; but what did the noble Lord think of himself when he found himself seated between the right hon. Baronet, the Member for Tamworth, and the right hon. Gentleman, the Member for the University of Cambridge (Mr. Goulburn), and when he heard himself cheered on by the hon. Gentlemen behind him, who had been (and he said it not with any disrespect) members of Orange lodges? Did the noble Lord not think his position an unnatural alliance? Might he not say to the noble Lord, "Tempora mutantur et nos mutamur in illis." The hon. Gentlemen opposite were quite right in forming the alliance; but the noble Lord was quite wrong. Would the House refuse 50,000*l.* for the education of that people of Ireland, while at the same time they taunted the people with being a brutal ignorant people? How could they be otherwise than ignorant when whole parishes were to be found in which there was not a single school? They told the Irish people that they were not capable of governing themselves, and yet refused them the means of education? He implored the House, for the sake of property, not to drive the people of Ireland to desperation. It was monstrous to tell a whole nation that they must remain in ignorance, and must have no share of the means provided for moral and religious instruction. There was now an opportunity for a rational compromise between the two parties that divided Ireland. Was it worthy of the right hon. Baronet opposite (Sir James Graham) to endeavour to excite the religious feelings of the people of this country against the Catholics of Ireland? He would tell that right hon. Baronet that the days of Lord George Gordon were gone, never to return. The people of England were no longer to be deluded by such means. He could not help thinking that if the right hon. Baronet were seated on the Ministerial, instead of the Opposition benches he would not have such a holy horror of Popery as he now professed. Did not the right hon. Baronet know that the Roman Catholic religion was the religion of the great majority of civilised Europe? The Legislature had already put power into the hands of the Catholics of Ireland, and yet it was now called upon to look upon them as alien in feelings to their British fellow-subjects. This was a state of things that was unnatural, and could not last; and the sooner it was put an end to the better for the peace and happiness of both countries.

Mr. *Gally Knight* said, that having been pointedly alluded to by the hon. Member for Waterford he felt it necessary to say a few words. The hon. Gentleman a short time back had quoted a passage from a speech of his delivered in 1832; and expressed his surprise, that after the declaration of the opinions contained in that speech he should regard the question now before the House in the light in which he did regard it. It would not have been wonderful if, after the manner in which promises had been broken, after the total failure of that reconciliation which was to have ensued, after the deeply-to-be-lamented conduct of the political priests, and the prostitution of religion to political purposes, he did not think it would have been wonderful if any man had been induced to take up, with regard to that question, an entirely new position. But it was not these considerations which made him think the Established Church less out of proportion than he had thought it, but because since 1832 its proportions had been materially changed. In 1833 inquiries had not been instituted, and it was confidently asserted that the annual income of the Irish Church amounted to no less than three millions. Since that time the truth had been ascertained. Lord Althorp—whose very name is a guarantee for good faith—had declared in his place that on no subject had he ever known so great a delusion to prevail. The real income of the Irish Church was found to be 800,000*l.*; from that amount 60,000*l.* a-year was diverted to relieve the Catholics from the cess of which they loudly complained. Ten Protestant Bishops were swept away; the revenues of the Established Church were reduced, and a large measure of Irish Church Reform was carried into effect. This was the explanation of his no longer entertaining the same opinions he had expressed in 1832. The income of the Irish Church was found to be only a third of what had been imagined, and from that diminished sum a large deduction had been made. Was it, then, inconsistent in him no longer to regard the subject in the same point of view in which he had regarded it before the truth came to light, and before the reform and the reductions had taken place? He was aware it was said, that a part of the Cabinet of Earl Grey had not considered his measure of Irish Church Reform as a final measure; but, in his own opinion, nothing was so directly the reverse of good Government as when great changes were made speedily to return to the charge. Such a practice created a perpetual expectation of change, and gave the public mind a habit of restlessness, the very opposite to that which it was the duty of all Governments to instil. For these reasons, even were he less satisfied with Earl Grey's measure of Irish Church Reform than he was, he should not have wished to open that book again. But, entirely apart from these considerations, there was another reason which made it impossible for him to act in any other manner; and when hon. Gentlemen quoted his speeches, he thought it would be only fair if they finished the sentence. With the leave of the House he would read what he said, in 1832, on that particular subject which was the basis of the present Bill. In reply to a proposition which was then made, of applying part of the property of the Irish Church to secular purposes, he had expressed the opinion which he held then, as he held now, in the following words:—"The proposition of applying tithes, or any other part of Church property, to other than ecclesiastical purposes, is not to be thought of. Whatever the Church enjoys always belonged to the servants of the altar. Whatever the Church enjoys belongs to the Church by as good a title as the layman's estate belongs to the layman. No part of the Church property was ever bestowed by a grant from the nation. How, then, can it be considered as national property, applicable to other than ecclesiastical uses? If an act of spoliation is committed on the Church, a blow will be struck at the root of all property, and the consequences would be no less dangerous than the act would be unprincipled." He now ventured to ask whether it would be consistent in him to do anything but strenuously to oppose the secular principle, which was the ground upon which the noble Lord, the Secretary of State for the Home Department, had declared last night he would take his stand. It was that principle which met him on the threshold—that principle for which alone the warmest supporters of the Bill avowed they thought it valuable —that principle which pervaded every line of the present Bill, of which the enactments were prepared with as much labour and astuteness as if it had been intrusted to the arch enemy himself. He admitted that his Majesty's present Ministers were in honour bound not to omit the principle from their this year's Bill—but he regretted that abstract principles should be dragged from the closet and obtruded on legislative assemblies. So brought forward, they were always the symptoms of morbid excitement, and often the precursors of fatal events. Men went wild about abstract principles—nations were convulsed in their name. The National Assembly of France, in 1789, teemed with abstract principles, and prepared itself by a course of them for a career of crime and of blood, whilst, on the other hand, there was not a single abstract principle to be found in our Bill of Rights, because the statesmen of that day knew how unwise it was to introduce them. The introduction of the principle was the more objectionable because it did not only apply to Ireland, but to the whole empire, and if once admitted, would be brought forward again and again, as much against the Church in England as in Ireland. The principle was not local, but imperial; and what purpose was it to serve? Did they hope it would satisfy the disturbers of Ireland? Nothing, it was now clear, would satisfy the disturbers of Ireland, but the complete subversion of the Protestant Church, and the establishment of a Catholic Church, and a separate Catholic republic. If these things were desirable were they possible? Would the great body of the Scotch and English people ever consent to the establishment of a Catholic Church in Ireland? and if it were established, would that give Ireland tranquillity? Would it not drive to desperation a minority powerful enough to disturb the peace, and certain to do so, if cruelly outraged? Tranquillity would not be obtained. The scene of agitation would only be changed; but if the Catholic Church could not be established, the Protestant Church must remain a part of the plan, and whatever was to remain must not be humiliated, for they might depend upon it, humiliation was eventual destruction; yet the Bill before the House trampled the Irish Church to the earth. They were indignantly rebuked if they hesitated exactly to proportion clerical pay to the amount of labour done; but he protested against the introduction of the Utilitarian principle into the department of religious instruction. He was disgusted with the attempt to get religion done cheap, and he was astonished to hear the noble Lord, the Secretary of State for the Home Department, remind them last night of the miserable pittance received by some of the working clergy of England, as a thing worthy of imitation. The servants of the altar were not, after all, "hewers of wood and drawers of water." A minister of the gospel was not to be bargained for, and cheapened, like a damaged bale of goods. Hon. Gentlemen opposite wished them to be men of education, they wished them to keep up a respectable appearance, they wished them to be charitable, and yet they wanted to cut them down to the minimum point of support—they assumed that the number of the flock was the exact criterion of the labour of the pastor; but he assured them, a scattered flock, few in number, would cause as much labour as a dense congregation of twenty times the amount. A scattered Church was necessarily more expensive in proportion to its numbers than a collected Church; and in Ireland the clergyman had not only to perform his ordinary duties, but to labour as a missionary, and sometimes to suffer as a martyr. He contended that Ministers had no right to cut down the Church for the sake of creating a surplus; and that, by this Bill, they did so cut it down much below the necessary amount, as had been abundantly proved last night by the noble Lord, the Member for Lancashire. He again asked, what was their object? Not to give the people education— because the State afforded whatever was wanted on that score; the object was to gratify the feelings of one party by the sight of the humiliation of another. This he must call pandering to the bad passions — passions of which men, in cooler moments, would be ashamed—passions which no Government ought to encourage. But there were two propositions before the House—the Reform of the Church and Commutation of Tithes. About the latter there was but one opinion. It was most desirable that the tax should be transferred from the tenant to the landlord, and remove the irritation and collision which arose from the present manner of collection; and in Ireland, where the collection was so peculiarly difficult, it was fair to give the landlord a fair compensation, and it was no hardship to make him undertake the risk, because the greater part of the land was in Protestant hands, and therefore it would only be a payment from a Protestant proprietor to a Protestant minister. In Ireland, there must always be Protestant landlords and Catholic tenants. He did not suppose the House would ever adopt the suggestions of the Priest of Carlow, and sanction the ejection of the lawful proprietors of the soil. In the pecuniary part of the matter the landlord was alone concerned, for eventually whatever the tenant ceased to pay in tithe he would pay in rent. This would assuredly be the case sooner or later in a country where there was a greater competition for land than in any other country in the world. The Catholic tenants were therefore exactly the persons least concerned, though they were always brought forward as the stalking-horses on this occasion. It was first represented they would be so much the less poor for every farthing taken from the Church; and then they were significantly reminded of their numbers—the six millions were for ever brandished in their faces. But this was nothing but the argument of physical force—the argument of anarchy—the tocsin of civil war; and this was an argument by which the House would never be influenced. But they were all agreed about tithes; the point at issue was the proposal of cutting down the Church to erect a surplus. If Ministers really wished to do justice to Ireland; if, without introducing an erroneous principle, or pandering to bad passions, they really wished to show that they cared for the Catholic population of Ireland, they would with one hand protect the Protestant Establishment, and with the other charge the Consolidated Fund with the pay of the Catholic clergy; they would provide a Regium Donum for the Catholics of the south, as there already was for the Presbyterians of the north—not to encourage the Catholic religion—not as an establishment—but as a statesmanlike manner of dealing with things as they are, and of consulting feelings which deserve to be respected, as was uniformly done in every other Protestant country of Europe. He was recommending nothing more than had been the deliberate opinion of Pitt, Fox, and Canning — nothing more than had been once confirmed by that House. He was quite ready to do justice to the Catholics of Ireland, but not by doing injustice to the Protestants. But with such a proposition they had nothing to do at present. It was not in the Bill, and they had only to make up their minds on the Bill as it was. For himself, as the Bill involved a principle which he had uniformly opposed, and deprived the Irish Church of resources which no longer exceeded her necessities, he could not give it his support. At the same time he was not the friend of sinecures and pluralities—he was no defender of spiritual absentees. He did not wish Irish rectors to spend their time at Bath or Cheltenham. He was willing to distribute the revenues of the Church in whatever manner would best serve her true interests. All these great objects appeared to be attained by the amendment proposed by his noble Friend, the Member for Lancashire. It could not be said that this scale of remuneration was too high: he excluded the objectionable principle—he accomplished all the good, without admitting any of the bad. He should therefore support his amendment.

Mr. *William S. O'Brien* said, he was aware that any argument he could offer upon this subject would be vain. Whatever might be the opinion of that House upon this Bill it must go for nothing, as it would be defeated by the other House of Parliament. He must, however, as an Irish Protestant, and an Irish Representative, state what his sentiments were. He would come to the main point, the application of the surplus that might rise from the Church property of Ireland, after providing for the spiritual wants of the Irish Protestants. This property was originally wrested from the Roman Catholic clergy, and given to the Protestant clergy, with a view to the conversion of the population of Ireland to the Protestant religion. In this they failed, and the proposed object not having been attained, he considered it fully competent to Parliament to apply any surplus of it to purposes best calculated to promote the education of the Irish people, guaranteeing, at the same time, existing interests. What ought to be done in a country, the great majority of the inhabitants of which were Roman Catholics, and only one-tenth Protestants of the Established Church? He contended, that after providing for the ministry of the Protestant Church, the surplus ought to be applied for the general benefit of the population at large. If it was contended that the Protestant Church of Ireland formed, by law, part of the Church of England, and, therefore, that such application of the surplus could not be made, he would say the sooner that law was repealed the better. Scotland had now an independent Church Establishment, though it was once attempted to force the Established Church of England upon her. She resisted, however, and was successful. He considered it the duty of the State to provide for the religious education of all its subjects, unless they entertained doctrines hostile to the public security. He cared not from what source the means were drawn, from local taxation, from the Consolidated Fund, or from a surplus of Church property. He had looked carefully into the subject, and he must confess he could see no injustice whatever in contributing to the support of the Roman Catholic clergy from any surplus income of the Irish Church. He should have been much better pleased, if, instead of giving 30*l.* per cent. to the Irish landlords, that sum had been employed to constitute a fund for the support of the Roman Catholic Church in Ireland. The Irish Members were quite willing that due provision should be made for the Protestant clergy, but they would apply any surplus that might be afterwards disposable to the general purposes of education. The question here was not as to 50,000*l.*, or any other sum. The great question was, whether Roman Catholics were to be placed in all respects on the same footing as Protestants. In his view, it made no difference whether the surplus was 10,000*l.* or 100,000*l.* The noble Lord (Lord Morpeth) placed the amount too high at 360,000*l.* In Scotland, religious instruction was provided for a people much more numerous than the Protestants of Ireland at less expense than 300,000*l.*, and it would not be denied that there was nowhere to be found a more moral, a more exemplary, or a better educated clergy than those of Scotland. The best course would be to throw all the Church property into a general fund, and let the Clergy be paid out of it without any deduction. The Bishops of Ireland were too highly paid. From 4,000*l.* to 5,000*l.* a-year was too much in so cheap a country as Ireland; 2,000*l.* or 3,000*l.* a-year, and 4,000*l.* to an Archbishop, would be amply sufficient; an additional sum of 1,000*l.* might be given to such of the Irish prelates as had to attend Parliamentary duties. The net revenue of the Irish Church was, altogether, 795,000*l.*, and from this a surplus might easily be had of 159,000*l.* or 200,000*l.* The dioceses of Cashel, Cloyne, Limerick, and others, contained a vast Catholic population and few Protestants. Large sums were levied to provide for the support of the Protestant Church in these places, though the number of the Protestants was so small. Now could any person doubt the propriety and justice of applying part of this income to the benefit of the Roman Catholic population? It was easy to talk of Exchequer suits and writs of rebellion, but they would never alter the determination of the people to pay no tithe. If ever there could be an excuse for a breach of the peace, the tithe-payers of Ireland were excusable for their resistance to the laws. The noble Lord (Lord Stanley) announced to them that tithes were to be extinguished for ever in Ireland. The right hon. Baronet (Sir Robert Peel), on coming into office, declared that tithes could no longer be levied on the occupier, and the million loan was given up to indemnify those who had not been paid. What was to be done? It was easy for Gentlemen opposite to oppose concession. They did not reside in that country, and were not daily alarmed with the dangers which threatened life and property. There were many Protestant Clergymen in Ireland who bitterly rued the course which had been pursued by their so-called friends and advocates. He deeply regretted, that the Protestant clergy were so much reduced; but at the same time he could not disguise from himself that their present condition was the result of that course of action and of political conduct which had induced them to take the field with armed men against their parishioners, and to go so far as to shed their blood when resistance was offered. He felt confident that they must be desirous of being extricated from the painful and difficult position in which they were now placed, and that not only that party, but both parties, were desirous that the constant strife between them should be put an end to by the adoption of measures which, while they had the merit of being founded on the principle of conciliation, should have at the same time the additional credit of being founded on the principle of strict and impartial justice.

Mr. *William Roche* said, that admiring as he did the liberal sentiments expressed by his hon. Friend, and he might say nearly colleague, he regretted that he must dissent from his views of conferring upon the Catholic clergy of Ireland a state provision. As an advocate for each sect supporting its own pastors, and thereby freeing religion and the clergy at large from the jealousies and hostilities created by a contrary practice, he must oppose the views of his hon Friend on this head; but while he did so, he was anxious to acknowledge the sincere and good intentions of his hon. Friend, although he could not accord with the wisdom or expediency of this idea. Nevertheless, he (Mr. Roche) would like to see the comfort of the Catholic clergy in some measure provided for; not, however, by trespassing on the State or on other communities, but by their own people providing in each parish a moderate glebe-house and a moderate annexation of land, leaving them to earn the remainder of their support by their zeal and assiduity, and by the consequent affection and attachment of their flocks. But to come to the question at issue, he prayed eave to inquire what was the mighty, and, n fact, the only boon sought for by the Bill of the noble Secretary for Ireland, namely, the appropriation of any contingent surplus; what more did they ask than the gleanings of a superabundant harvest, the crumbs which fell from the rich man's table? Should these be trivial and insignificant, as predicted by Gentlemen on the opposite side, were they worth contending for? but if, on the other hand, they proved sufficient towards their intended purpose, to what object could they be applied more salutary, or more congenial with the true spirit and interests of religion, and the imperative duties of every priesthood, than that of promoting the enlightenment, the morality, and the consequent temporal and eternal happiness of the people? and was not this more particularly due to that portion of the Irish people who, in consequence of differing from the doctrines of the Established Church, could not derive any other return from the heavy pressure on their industry, occasioned by the maintenance of that Church? Surely it was peculiarly incumbent on those ultra-guardians of Protestantism to contribute readily and liberally to the education of the Irish Catholics, inasmuch as they considered Catholicity the offspring of ignorance, which, like the shadows and vapours of night, must disappear before the light of education and inquiry. It would seem, from the arguments of these ultra-advocates of the clergy of the Established Church, that they were disposed to say, "educate and enlighten if you please, but please not to touch our incomes, or ask us to contribute towards it." This Bill puts the sincerity of those professions in favour of the education of the people to the test. Even in a pecuniary sense, this principle and this appropriation would be well advised on the part of the clergy of the Established Church, because it would tend to excite better and kinder feelings towards it in the minds of the people, and therefore render the situation of the clergy so much more comfortable. But if the clergy will yield nothing, but recklessly persevere in exacting the uttermost farthing by any means, however disastrous, they may drive the people of Ireland to recollect and to adopt the example set them by an Irish Protestant Parliament in a resolution of the House of Commons of that day, in reference to the tithe of agistment, that whoever paid such impost should be considered "an enemy to his country." Unless the Protestant clergy hastened to arrive at a conciliatory adjustment, Ireland would become a perfect Pandemonium, and religion be made the demon of discord, instead of being an angel of harmony and peace. Everything connected with the Protestant Church would be abhorred, writs of rebellion be converted into real rebellion, and the laws in general, from being thus habitually opposed under a sense of injustice and oppression, would lose their weight and influence in all other respects. Evil enough had been experienced, and blood enough surely been shed under the existing state of things; he therefore trusted that the Protestant clergy and their over-ardent friends would, for their own sake, for peace sake, and for religion sake, cease opposition to an amelioration of the system, and to a Bill having for its object the conciliation of the people.

Mr. *John Young* informed the hon. Gentleman who had just sat down, that he was quite wrong with regard to the clergy of the Established Church,—they had already made extensive sacrifices to conciliate the people of Ireland; they were willing to make more, and no body of men in the country could be more desirous than they were to have the question set at rest. He wished to state, as concisely as possible, the general and deep-rooted feeling of the Protestants of Ireland; he would not follow the hon. Member for Limerick through the calculations which he had framed so ingeniously, but of the correctness of which he had some doubts, for this reason—that the general character of the measures before the House was of far greater importance than the practical details. He should not, therefore, stop to inquire whether the scanty pittance left to the Protestant clergy would be an adequate or inadequate remuneration. The features of the two schemes were so strongly marked, that no man who was friendly to an Establishment could long hesitate as to which he ought to prefer. The assumption of a surplus and its secular appropriation, on the part of Ministers, were the grand distinction. Against this the Protestants, and, he believed, the Presbyterians, took their stand. They were ready to admit great changes in the Church, and reform, to a considerable extent; but this appropriation, inculcated by excited and interested political partisans and sects ranged in bitter hostility to the Established Church, wore the appearance, not of relief for the Roman Catholics, but of humiliation to the Protestants, and even to their Church. Far from facilitating the passing of a tithe measure, this principle, enwoven and embodied with it, would retard its progress and injure its effect. Were it law, the Protestant clergy would be worse off than ever—their incomes limited, but not less precarious—their situations as exposed, but no longer independent. It had been asked what the word "final" meant. He would endeavour to explain it as applied to an Act of Parliament. Legislation should, as far as circumstances would admit, be definite and conclusive. It should settle, for the time at least, any matter it took in hand. If this applied generally, ought it not more especially to obtain in the present instance, which was a species of treaty, terms of adjustment between hostile and long-contending parties, which was to heal the wounds and reconcile the differences of Ireland, by arranging all preliminaries and determining all boundaries? But did it do so? Would this principle permit it to have such an effect? Never. It left a point — the chief point — undecided, and rankling in the minds of men. If it meant anything, it was a groundwork of future and more extended action; it left something to demand, and something to defend: doing this, it gave no permanent satisfaction to the conquering, and no permanent security to the defeated.—This principle was constantly supported by appeals to physical force, to the people, to the seven millions; he never heard these numbers reiterated without feeling tempted to reply, as was done at a famous trial, when a king was the culprit, and the accusers said to be "all the good people of England:" "No nor a hundredth part of them,'' was exclaimed. He did not believe that a hundredth part of the people of Ireland were so savagely hostile to the Established Church as they were represented; the peasantry, grateful for the smallest services received, and generous to the utmost extent of their limited means, had not forgotten the charities of the Protestant clergy, and did not rejoice at their unmerited sufferings. They had been tampered with, or they would have been well satisfied with the concessions already made—with a commutation and entire redemption of tithes. As it was, many of those whose voices were loudest against the Church would long remember and bitterly regret its fall, if ever destined to sink beneath the attacks of its enemies, when they missed its fostering charities and protecting influence, and looked upon the gulph of poverty and wretchedness which they were deluded into thinking would be filled by its ruins, but which would only be rendered deeper and more dismal by its fall. Animosities assuming various forms, exasperated by a fatal succession of causes, and continued for centuries, had been goaded into fiercer action, and the people had been betrayed into ruinous excitement, through false hopes and false pride, by all the arts of imposition, and by promised advantages, which no extent of concession and no effort of legislation could ever realise. Even supposing, what he would not admit, that a measure, with the appropriation enwoven into it, were to satisfy the Roman Catholics for the moment, what effect would it have on the opposite party, on those who held four-sixths of the land of Ireland, and were its most industrious and improving inhabitants? It would dismay and dishearten them. They had just grounds for apprehension; they had conceded much, more was demanded, and that undefined and extravagant. While their present situation was awkward and perilous, they could not help recollecting, that amongst the most prominent and fiercely-insisted-on demands of the popular leaders in 1641, was what they were pleased to call "satisfaction in matters concerning the Church." The career of those leaders, however justifiable and brilliant at first, closed in a bloody civil war and the establishment of a military despotism. When they heard hon. Gentlemen on the other side of the House recommending the Protestant ministers to renounce that influence which they say surrounds them and offends the eye of poverty, and resume the modesty befitting their apostolic origin, they could not help recalling that the same advice, in precisely similar terms, was given to the French clergy in the Assembly, by one whose name a few years after became the terror of all France. They formed part of the first speech delivered by the far-famed Robespierre. He knew there was that fund of solid good sense in the country which set all notions of revolution at defiance. Nor did he believe that there was any considerable body who had in contemplation schemes similar to the English popular leaders of 1640, or the French republicans of last century. Still the Protestants of Ireland had reason to dread annoyance and encroachment, and were right in not willingly surrendering the most distant out-work which seemed to guard them. He perfectly agreed with his hon. Friend, the member for Newark, that the analogy attempted to be drawn between Prussia and Ireland was not tenable; still, were the alternative put to him, he would rather see the Established Church in Ireland placed on the same footing as regarded the Government, and other religious persuasions, as the Protestant church in Prussia, than accept a tithe measure with an appropriation clause. In the one case he flattered himself he could see something of the results—a settlement for the present, a hope for the future. In the ministerial measure no human wisdom could foresee the consequences. It must be worked out indefinitely at the will and pleasure of the popular leaders of the day, and of any Administration which, in an unsettled country, might chance to hold the reins of power. It would be a source of constant demand and aggression to the stronger, of constant oppression and anxiety to the weaker party, while it inevitably involved in the struggle a disturbance of habits, a disappointment of expectations, and an abatement of that reliance on the inviolability of legal possessions, which was the mainspring of industry and the chief source of comfort.

Mr. *Edward Lytton Bulwer* said, the noble Lord, the Member for Lancashire, had brought before them two questions instead of one. They had to decide whether they should reform the Irish Church so as to satisfy the noble Lord and the hon. Gentlemen opposite, or so as to satisfy the Irish people. Now he did not think the noble Lord had hitherto been so fortunate a legislator for Ireland as to induce that House to look very favourably upon the suggestions of one whose very abilities had only served to render more conspicuous the great disproportion between his unrivalled power as a debater, and his ill-luck (no less unrivalled) in his capacity as a legislator. The hon. Gentleman, the Member for Cavan, found fault with the Bill before the House, because it would not be a final one; but whatever merit the substitute proposed by the noble Lord (Stanley) might possess, the very last recommendation it could lay claim to was that of being a final settlement of the question; for if that House were to be untrue to itself, if it were to adopt the plan of the noble Lord, was not every gentleman perfectly aware, that while the six millions of Catholics (whom the noble Lord quite overlooked) remained out of the pale of his reform, they should still have the same discussion Session after Session, and the noble Lord's Bill would only be another landmark in the dreary waste of unprofitable and fruitless legislation. But if, on the other hand, they were to reform the Irish Church so as to satisfy the Irish people, they must do it upon the very principle the noble Lord had so solemnly abjured—namely, they must give the people a contingent benefit in the Church which the people were to maintain. If it were true, as the noble Lord had asserted, that the people would enjoy but a very scanty surplus, that only proved how favourable a compromise this was to the Church and how graciously they ought to concede to the generosity of a people, who left to a hostile religion all its adequate means of support, and demanded only for themselves the recognition of the bare and abstract principle of equity and justice. The question of surplus was a mere waste of words; either there would be no surplus—and therefore, as the hon. Member for Weymouth so well expressed it, there would be no spoliation; or if there were a surplus, before they appropriated a surplus they must discover a sinecure. Should they make it a principle of the State to abolish sinecures, and yet make it a principle of our religion to establish them? They talked of Irish bulls, but the words Irish Church were the greatest bull in the language. It was called the Irish Church because it was a Church not for the Irish. They had heard that those who ministered to the altar should live by the altar. But the Protestant clergymen did not minister to the altar—the Catholic priest ministered to the altar, and the Protestant lived upon the flock. But they were told that, though they had the legal, they had not the equitable right to appropriate Church property. Could any Protestant use this argument? How then did the Protestant Establishment exist? We stood upon the gigantic ruins of the Catholic Church property. Should we quarrel with the very title-deeds by which we held our possession? They had been told, that it was arranged at the Union that the two Churches of England and Ireland should be incorporated as a defence to the weaker, or, in other words, the Protestant party; and they had been solemnly adjured to adhere to the contract. Was it at that time of day they were to be told that what the Legislature of one age had established, the Legislature of another age could not amend? Talk of adhering to the legislation of the past! You might as well talk of adhering to the Heptarchy. What! was there to be only one entail, which could never be cut off in the blunders of departed bigotry and the injustice of obsolete oppression? But then they were to be told they would establish a precedent to the danger of the Establishment of England. No, it was their opponents who established that dangerous precedent, when they told them that the Church or the State ought not to be influenced by the religion of the population. It was on that principle that they rested the broad foundation of the English Church, and by denying that principle they sapped that foundation. But, continued the hon. Gentleman, do you serve the English Church, if that be in danger from popular opinion, by linking it with the Irish—and declaring that they must stand or fall together? Do you act wisely to associate inseparably all that is odious, even to the friends of the Establishment, with all that is venerable and beloved? Do you act wisely by leaving to its enemies an argument that the majority of the representative assembly cannot defend? Is not this involving the uses of the Church in the condemnation which should attach to the abuses, and yoking together the diseased body with the healthy? Do you cure that which is diseased, or do you infect that which is healthy? But then you object to appropriation because it involves a principle, and you cannot tell where the principle may stop; this is perilous ground for the hon. Gentlemen opposite. Will no experience warn them? Was it not by this argument that they opposed the principle of the disfranchisement of Gatton and Old Sarum? Was it not by this argument that the Duke of Wellington resisted Reform? What was the consequence?—the year afterwards came Schedule A and Schedule B. We are now treating with the Gatton and the Old Sarum of the Irish Church. You resist the principle of a small reform: beware how your own procrastination irritates the public mind to that point when even a large reform can do little more than save you from revolution. The right hon. Baronet, the Member for Cumberland, had said that concession never satisfied the Irish people. But with what grace did tirades against concession come from those who had begun the policy, and now declaimed against its results? Folly it was indeed, to admit Catholics to the Legislature, if you meant to continue religious disqualifications on political rights. How, one day can you say that Ireland and England are identically the same, and therefore they shall have the same Church; and the next day declare that they are not the same, and therefore they shall not have the same Corporations? Have you, then, a right to say they are not satisfied with concessions, when you never concede, till you are forced to it? And while you gave Catholic Emancipation to fear, you reject Bill after Bill while the Irish only appeal to your justice. But when we talk of the discontent of the Irish, let us not forget that the worst war is always that which is occasioned by constraints upon religious opinion. In Ireland those constraints do not indeed produce war, but they prevent all the blessings of peace. Look at England—look at Scotland—were they contented and submissive whenever a religious sentiment was at stake? You reject all the lessons of experience—you forget your own wars under Charles 1st. you forget your own revolution of 1688—and you demand tranquillity and gratitude as the result of causes which in yourselves produced only revolutions. Your Church in Ireland costs you cent. per cent. to maintain it; at least it costs as much for the police and the soldiers as for the clergy themselves. And what, after all, is our profit? Where is the triumph of

Protestant ascendancy? Where the evidence of Christianity itself? Do we imitate the Saviour or the Impostor, when we carry the Bible in one hand, and the sword in the other? Sir, I deny that the spiritual interests of the Church are secure, so long as any temporal causes render the Church detested. I deny that the Bible is rendered sacred when appealed to over the bodies of the dead. I deny the religion of Rathcormac—it was not Christ, it was Judas, who took the thirty pieces of silver as the price of blood. But if you insist upon your regard for the spiritual interests of the Church, because you promote the temporal interests of the clergy, how have you, attained even that object? In what a situation are the clergy of Ireland now? Do you mean that they should for ever continue in this situation?—are they to subsist for ever on public subscriptions?—for I tell you plainly that until you have repealed theParliamentary Reform Bill, this House will never pass an Irish Church Bill without the appropriation clause. I ask you then, is it you—you who set up for the friends of the clergy—who insist upon maintaining them as the mendicants of public charity, and is it you, who sneer at the hon. and learned Member for Kilkenny for receiving public subscriptions, when it is your own obstinacy on this question that covers the columns of the newspapers with the subscriptions of ostentatious piety for the starving clergy of the wealthiest Establishment in the world? Emulous of the fame of your own caricature of the learned Member for Kilkenny, it is the Protestant Establishment that you have made the big beggerman of Ireland. Sir, it is indeed a miserable light in which the ministers of the gospel have been placed by their pretended friends—a light at once odious and impotent—now calling out the military, now calling on the public. Are we only to read of the clergy of Ireland in cases of murder, or as objects of charity? and are hon. Members opposite who condemn them—men deserving in themselves of every eulogy passed upon them—to this character to arrogate to themselves the exclusive honour of being the friends of the Establishment, and the supporters of the dignity of the clergy? Sir, before I sit down there is another view of this question which hon. Members seem wholly to overlook. When the Reform Bill was being discussed the Duke of Wellington asked how the King's Government was to be carried on. Now, Sir, that question has, perhaps unexpectedly, received this answer—an answer fatal to the Government formed by the Duke of Wellington himself. The Government can only be carried on by acquiescence in the very principle we are now debating. And, Sir, I must ask another question. Till this principle is settled how is any Government to exist in harmony with the theory of the Constitution? If that Government is formed of hon. Members opposite, how can it exist in harmony with this House? If composed of its present materials, how can it exist in harmony with the House of Lords? I don't say which House must yield. I don't enter into that question. I rely enough upon history to believe that in any contest (in a country so far advanced in liberal institutions as England) between the popular party and the aristocratic, the popular party is sure to get the best of it; but this House has shown that it does not desire to bring on the consequences of an open conflict; but in the meanwhile is there anything in the present struggle upon this question that is for the benefit of either party? It condemns the Administration to weakness, but it condemns you to exclusion. While you think to proscribe the Catholic you proscribe yourselves, and from a Protestant prejudice you shut out your own Protestant champions from any participation of power. This is not all. The whole course of legislation is delayed—the public mind is unsettled—all Ireland is left a prey to discontent, and year after year passes on in confirming the habits of contempt for a law which the Government cannot justify, and the army itself cannot enforce. Now then, I say, granting even that all your reasonings are right, still, as in the Catholic question, balance the evil against the good, and ask yourselves whether you are engaged in a struggle that is worth all the sacrifices it costs? The opposite bench is the strand upon which all who have resisted this principle have been shoaled. No ability, no rank, no character has been able to contend against it. It has made itself the very principle upon which all Government must be formed. In this very House, which the right hon. Baronet opposite assembled to support his policy, it effected his downfall. Should we not, then, be mad to rest our English Church upon ground which Minister after Minister has found it impossible to maintain? If the battle of the Protestant Establishment is to be fought, let us enlist under its banners all its friends; let us keep up that Establishment in Ireland; but rather in its spirit than its form—rather as the agent of toleration than the minister of persecution. I do not say that if you grant this concession, you will have no future concession to make. It is always impossible to make that description of compact between a Government which is of the day, and a people which is immortal. But I say that you have no right to make bargains with justice, or stop short of any concession to the Irish people, so long as you leave them one hardship which is not shared by the people with whom they are united. Far, then, from thinking that this Bill will be the conclusion of our boons, I rather trust it will be the commencement: I see nothing to alarm me in the gratitude of a people; I see everything to alarm me in their discontent. No; I do not shrink from avowing that I hope this conquest over our sectarian prejudices is the forerunner of a steady and continuous career of justice. So that when, hereafter, the Irish Catholic shall ask what benefits he has derived from the union with a Protestant country, we may be enabled to point, in answer, to all the blessings which ought to be the necessary offspring of union with a people who have won for themselves the liberties of conscience, and whose forefathers, in abjuring the Catholic faith, never meant to adopt its worst errors, in claiming the prerogative of an exclusive and dominant ascendancy, but rather to assert the inviolable right of universal equality and toleration.

Mr. *Maclean* cordially concurred in one observation made by the hon. Member who had just sat down, that even if the principle of this Bill were conceded, it would by no means be the last concession the House would be called upon to make. After having taken their stand on a question of principle, and so important a principle as that contained in the noble Lord's Bill, if they could be induced by any argument urged in the course of the debate to sacrifice that principle on which their stand had been taken, nothing would be left which could at all afford the people of England the slightest confidence in the integrity and wisdom of their procedure. He could not, however, but repudiate in the strongest manner the unfeeling allusion made by the hon. Gentleman to what he called "the ostentatious display of superfluous wealth" in support of the distressed Protestant clergy in Ireland, as if it had sprung, not from sympathy with those sufferings which, thank God, the Protestants of Ireland had no hand in creating, but from a desire, knowing that their names would be laid before the public, ostentatiously to parade their charity and overflowing riches. He was sorry to hear from the hon. Member such a sentiment as that, impugning motives which he had no right to call in question, on the part of men who, whatever might be the opinions of those opposite, had a right, however mistaken might be the views they had formed, to have credit for acting with purity of intention and integrity of motive. Judging from the declaration which the hon. Member had made, and the tone in which it was uttered, there could be little doubt the hon. Member for Lincoln, at least, was not among those who had paraded their ostentatious charity in behalf of the Irish clergy. But there was one question which he would ask upon this subject, and to which he challenged a fair and honest reply. Who was it created the necessity for that subscription? He thanked the hon. Member for Kilkenny for that cheer, and he would tell him sincerely, that he believed he (Mr. O'Connell) and the party with whom he acted were, in a great measure, the cause of that subscription. He did not mean to say—for he would not in his turn question the motives of that hon. Member—he did not mean to say the motives of his conduct were not conscientious and pure; but he would nevertheless maintain, in the presence of that hon. Gentleman, that the lessons which had been preached to the people of Ireland from lips clothed with thunder when addressing assemblies such as those that usually listened to him in that country, those lessons had undoubtedly excited the people of Ireland to a resistance to that which was well known to be the law of the land, and which, until it had been changed by the supreme authority of the Legislature, it was the first duty of the hon. Member, as of them all, to see that it was respected and carried into effect. Those on that (the Opposition) side of the House had been taunted repeatedly with the slaughters of Rathcormac, for it was said they had been occasioned by the tithe system. He altogether denied the assertion. They arose not from tithes, but from doctrines most assiduously promulgated with respect to tithes. Let those who preached passive resistance among the deluded peasantry bear the reproach, for they were the real fomenters of those appalling massacres which had been the melancholy result in Ireland. If obedience had been enjoined, and the law, however impolitic, had been impartially enforced, there would at least have remained at the present day no loss of life to deplore. But they had been told that the Protestant Church was built on the plunder of the Roman Catholics, and he had always said that the principle of the present Bill should be regarded as the introduction of a wedge to split asunder our Protestant Constitution, and restore that property to the Roman Catholics which it was said had been abstracted from them. He was prepared to prove, that long before the Roman Catholic faith had existed, a Church existed in Britain and in Ireland, and that it was supported by tithe. But when they came down to the time of Elizabeth, would hon. Gentlemen on the other side deny that she had acted with sagacity and wisdom as far as related to her Roman Catholic subjects? If they did, he would refer them to the published work of the noble Lord, the Secretary of State for the Home Department, and he would ask them to do what he (Mr. Maclean) had done—he would ask them to read that book and extract from it some lessons of instruction with respect to the conduct of Queen Elizabeth towards the Roman Catholics of the empire, in which she exhibited that profundity of wisdom for which she was so much and so deservedly admired by those on the other side of the House. The noble Lord (J. Russell), in sentences as tersely put together as those the House had the satisfaction of listening to last night, wrote to this effect:—"It was happy for the country that Queen Elizabeth found it her interest to embrace the Protestant religion, and that, by the foolish as well as atrocious plots of the Roman Catholics, she was forced to cultivate still more strongly the affections of the Protestant party. Boast as we may of our Constitution, had Queen Elizabeth been a Roman Catholic, or James II. a Protestant, there would have been no liberty in England." That was the deliberately written opinion of the noble Lord, the advocate of the present measure. But he was not content with stating his opinion of the conduct of Queen Elizabeth towards her Roman Catholic subjects, but in another portion of his work, and the greatest credit was due to him for the manner in which he treated that part of the subject, talking of that period in the national history when restrictions were generally taken off all the subjects of the realm except the Roman Catholics—with respect to the times of William and Mary, he said, "Among the concessions made to religious liberty, there were none in favour of the Roman Catholics; on the contrary, new laws were passed, of excessive severity, tending to render the Roman Catholics poor and ignorant, heaping penalty upon penalty, and making them, as it were, slaves among a nation of freemen. Yet it must not be supposed that a nation so humane as the English acted in this harsh and unusual spirit of bitterness without deep provocation. The reigns of Elizabeth, of James I., of Charles II., and of James II., had been disturbed by Roman Catholic plots, more or less sanguinary; some using as their means the assassination of the sovereign, others the introduction of a foreign army, but all tending to extinguish the liberties and destroy the independence of England. Whether the precautions adopted by the English Parliament were wise I will not decide; but I am clearly of opinion they were just." Those were the opinions of the noble Lord relative to the times of William and Mary, with respect to which he doubted the wisdom of the precautions, but had not the slightest doubt of their justice. If such were the sentiments of the noble Lord—and he differed from him in some degree upon one point—he was of opinion that in early periods of our history they might have relaxed a considerable part of the Penal-laws affecting Roman Catholics. If, he repeated, the opinions of the noble Lord were as he had quoted, he could not be taunted with bigotry or intolerance when, willing to grant to the people of Ireland equal civil rights as citizens of the same empire, he demanded for the Church the preservation of that property which had been inherent in her for centuries—which was guaranteed by the Constitution, and which, if spoliated, would lead to interminable confusion and the disruption of all social well-being. He had been peculiarly struck by an argument which escaped the lips of the Member for Waterford, who doubtless had been indefatigable in his search for what he called "the truth," although most unfortunate in the success of his investigation. He summoned before them the mighty shadows of Aristotle and Plato, of Socrates and Cicero—he awoke the recollections of Bossuet and Fenelon, a singular juxtaposition, forsooth; but still he must have credit for his illustrious selection, and he asked, with triumph, if they had agreed on what was "truth." But his reasoning furnished its own refutation. Some of them found it not—they could not find it—from them it was hidden;

but there was a place, and one alone, in which, if the hon. Member continued his researches, he would assuredly find it—the Bible. The brilliant intellect of Aristotle looked for it in vain—it was invisible to Cicero. Had it baffled, too, both Plato and the Member for Waterford? And were they bigots—were they plunderers—were they fondly chasing a phantom and sacrificing a reality when they said, that as Christian legislators they were bound by their faith not to diminish that scanty subsistence which was the inheritance of its teachers in Ireland? There was one other part to which he would allude before sitting down—he meant the extraordinary statement which had been made last night by one of the Ministers of the Crown. Speaking of the sentiments of Warburton and Paley, whose testimony, by the way, with respect to the objects of a Church Establishment had often been quoted in that House without its accompanying qualification, the noble Lord (Lord John Russell) was represented to have said, "He was not prepared to say, that their doctrine ought to be carried out to its full extent in Ireland. For his own part, he had no intention of so carrying it out; but he maintained, and he ever would maintain, that the interests of the great body of the people of that country ought not to be omitted from consideration; and when they talked of the duty of the State, he would say that it was not the duty of the State to choose and select and support that creed only which the Legislature or other supreme authority considered founded on truth, but that it was the duty of the State to provide means for inculcating the principles of morality and religion among the great body of the people." It was in vain that he had read the *History of England*. He had been educated in Protestant principles to no purpose, because he deemed it to be the duty of the State to support that creed which was the creed of truth. If that were not the case, why had they an established Church at all? The Protestant Church of England and Ireland was founded on the principles of the truth, and whenever it abandoned them, the sooner it was got rid of the better. He must be allowed, before sitting down, to appeal to that hon. and learned Member whose influence for good or ill was so powerful in Ireland, and acknowledging the prostrate situation of that country, he would say to him, in the language of one whose memory he adored—in the language of Grattan—"Your country is not dead, she but sleepeth in the tomb: you may awake her." You may join us in a wish which we sincerely profess to shake off the apathy which benumbs her mighty energies.

"She is not conquered; beauty's ensign yet
"Is crimson on her cheeks and on her lips,
"And Death's pale flag is not advanced there."

Let him do this; let him accept what they offered. Was it much which he sought? Let him not reject that which both parties acknowledged to be good, because he was unable to obtain that which they never could concede without dishonour; he might then indeed arouse the land he loved to the consciousness of her true strength, and not risk the danger of awakening her to madness.

Lord *John Russell* rose for the purpose of explaining, the hon. Member having somewhat irregularly alluded to what he (Lord John Russell) had been reported to have said in the debate last evening. He was not to be held responsible for any words attributed to him in the columns of a newspaper not published with the sanction of that House. He was not going over the ground anew; perhaps he had represented his own opinions imperfectly, but what he meant to state last night was, that his sentiments were in accordance with those which had been stated by Archdeacon Paley.

Mr. *Maclean* said, he had made the quotation from *The Times*, as embodying his own recollection of the noble Lord's speech.

Viscount *Morpeth*: Having had but too frequent occasions to deliver my sentiments on this question, I feel that I should have little excuse, and still less temptation, for again presenting myself to the House, were it not for the desire I have to answer any objections, as well as to remove any misapprehensions, which appear to me to have arisen in the course of the debate. I do not feel myself at all constrained to enter into any controversy as to the general principle upon which this, as well as every other proposal of appropriation, rests. We make no secret of that professing principle—we avow at once that it is our intention to act upon it; and whether the burthen, which it has been both graphically and rhetorically represented to entail upon us, be light or heavy, at least we make no complaint of it, and it has not yet broken our backs. It is, then, neither the arraignment of our motives, nor the denunciation of our principle, which I feel to affect or concern me at the present moment; I have merely to deal with the objections which have been made to the machinery and practical operation of the Bill I have had the honour to introduce to the House. I will not even suffer myself to be diverted from this track, in order to follow the hon. Member who spoke last into the disquisition which his researches into historical lore have enabled hin to make as to the antiquity of the Roman Catholic Church—a ground on which I frankly own I have always thought that Church to be the least assailable. I agree with him that it is the duty of every State, as it is that of every individual, to promote the reading of the Holy Scriptures as extensively as possible by every means short of the employment of force; but I hope the hon. Gentleman did not mean to intimate, in his catalogue of names, that Fenelon and Bossuet were not among the readers of the Bible. With respect to the position in which the question before us at present stands, my noble Friend, the Member for North Lancashire, has introduced a scheme counter to that which I have had the honour of submitting to the House. I will not now stop to inquire whether my noble Friend is the best and most happily constituted individual to be a mediator on this great question. I hope he will not, however, take it amiss if I state that the history of the past shows the interference and assistance he has hitherto afforded the Irish Established Church to have been more distinguished by chivalry than success. In the course of this discussion we have had two Messages brought from the other House: one by my noble Friend (Lord Stanley), from the most reverend and right reverend Bench, signifying to us that they will consent to the adoption of his scheme; and the other by the hon. Member for Newark (Mr. Gladstone), apparently from the whole of the Upper House, taken collectively, signifying their determination not to assent to ours. But notwithstanding these august intimations, I must venture to hint a doubt whether either constitutional practice or the present complexion of public affairs, tend to make it requisite that such permits should be endorsed on the introduction of our goods. Together with my noble Friend (Lord John Russell), I state at once, that it is neither much of my business or disposition to quarrel with the measure of the noble Lord (Stanley); there are some points in it which appear to me objectionable, but I have no doubt that upon being fairly discussed they might be easily obviated, should we be disposed to concede the principle which pervades his measure, which is, that if any surplus arise, it must be appropriated exclusively for the benefit of those who are within the pale of the Church Establishment. My noble Friend (Lord Stanley) and those who have adopted his views, have urged very little objection to the first part of our Bill, which deals with the immediate arrangements to be adopted for the purpose of effecting a commutation of tithe; and I feel considerably relieved by their abstinence upon this point; because if there is any part of our measure on which I have had a misgiving, it is that by the present situation of affairs in Ireland we are inevitably compelled to deal rather hardly with the existing clergy of the Established Church in that country, in consequence of which I have been induced to believe that, should the question of tithe commutation be first settled on such an enlarged principle as would be acceptable to the great bulk of the Irish people, it might be proper for the Legislature to consider whether afterwards it was not in their power to give the clergy relief by modifying some of the peculiar charges to which they are now liable. There is, indeed, one point in which the two Bills entirely differ, whereas one contains, and the other omits, any provision for the redemption of tithe. It is a point which must be acknowledged to be beset with difficulty: indeed my noble Friend himself has admitted as much. This being the case, and as we have before us the complicated task of dealing with the commutation of tithe into a rent-charge throughout the whole extent of Ireland, I think it will be better to avoid still further embarrassment by adding the question of redemption; let it be reserved, as is also proposed with respect to English tithe, until we have seen the working of the rest of the measure without it. I will not enter largely into the difficulties which must be attendant upon this part of the case, but I will briefly intimate, that if the rent-charges are redeemed by money invested in Government securities at three and a-half per cent, an immense reduction of the clerical revenues must take place; and if by an investment in land, the effect of it will be a general rise in the price of land, which would proportionally bring about the same detrimental reduction in the incomes of the clergy. As my noble Friend has truly said, the value of land in several parts of Ireland is very different; in the north it is worth twenty-five, twenty-eight, and thirty-one years' purchase, which would only give the respective values of four, three and a-half, and three per cent. We have each of us one object in common, which is, to provide that the clergy should be a resident clergy; and if it were resolved upon to assign a certain portion of land to the clergyman by way of redemption for the rent-charge, that land should be within the bounds of his benefice—another condition which would enhance the difficulty of a general investment. Again, we wish to relieve the mind of the minister of religion as much as possible from the uncertainty and expense which would thus be attendant upon the collection of his income; and with that view we provide that a certain amount should be given to him on a particular day. If he is converted into a landowner, it is impossible to predict what may not be the conflicts which will take place between him and his tenantry; moreover, he will be exposed to all the casualties of bad seasons,—alterations in the market prices; from all which the Bill I have introduced will rescue him now and for ever. It thus secures him from the risk of improvident tenants, who might deteriorate his land, and throw it upon his hands comparatively valueless and unproductive. By the scheme of my noble Friend, persons who are liable to the rent-charge may enter into an agreement with the Ecclesiastical Commissioners: but these Commissioners, however competent for their employment they may be, will have to deal with those minute and complicated questions which have been encountered by the Board of First Fruits, and which have been often found to impede them in making the purchases which they were desirous of effecting. Sometimes the persons with whom they would have to deal would not have the fee-simple of the lands—they would frequently meet with leases on lives renewable for ever, by which clergymen would be frequently exposed to much loss; because, on each renewal, it is customary to impose a considerable fine. All these difficulties taken into consideration, I do not say might not, in time, be obviated and surmounted; but I think it advisable not to embarrass the question with any proposition for redemption at present, but reserve it for future consideration, should the circumstances of the Church, either in England or in Ireland, invite it. Passing to that part of the Bill which relates to the future distribution of Church property in Ireland, I may say that I last night felt myself greatly relieved at the very mitigated tone of opposition which I thought I perceived in the speeches of my noble Friend and other Gentlemen opposite, in comparison with the mode in which my Bill of last year was treated, and in comparison with the mode in which the noble Lord's own measure on the subject of Church temporalities was treated by the House. It is true, that one hon. Gentleman opposite described the present Bill as having been drawn up by the arch enemy of mankind, but it was some compensation to find, that other hon. Gentlemen were not quite so hard upon me. The two prominent grounds of objection to this measure appear to be, first, the number of real Church purposes which are at present incomplete, and which it is urged must be fully accomplished before we can make any transfer of a surplus for the purposes of education; and secondly, the alleged low average of income which we assign to the clergy of Ireland. In reference to the subject of the first of these objections, the number of real Church purposes which are left incomplete, I may state that a number of returns, which have been moved for, I have not as yet been able to lay on the Table of the House, as there has not been sufficient time to make them out, but I am in no degree fearful of the strictest inquiry which can be made upon the subject: there is no part of the matter from which I wish to shrink. Our great argument lies in the fundamental maxim, the rightful tenure of property, and we hold that we stand equally unassailable whether upon an arithmetical balance sheet or upon the great fundamental principle upon which we proceed. As I have said, the specific returns moved for upon this subject have not as yet been made, but I may observe that, formerly, the Board of First Fruits in Ireland, and the vestry cess there, were intended to provide for, and did, to a great extent, provide for, many real ecclesiastical purposes; and that at present the "general fund" arising under the Church Temporalities Act is made applicable to the following purposes:—

"1. To provide things necessary for the celebration of divine service in the church or chapel of every parish.

"2. To pay all parish clerks and sextons.

"3. To defray the expenses of building, enlarging, or repairing churches and chapels.

"4. To fence and maintain church-yards.

"5. To augment small livings to 200*l.* per annum, and to purchase house and land for augmented benefices.

"6. To compensate the lay patrons of any livings that may be divided under the provisions of the said Act.

"7. To defray the expenses of the Commissioners, and

"8. To provide for the maintenance of curates, &c., heretofore provided for by vestry assessment, under any statute, law, or custom."

These are purposes to which this fund is applicable, and I cannot but think that they are such as to satisfy hon. Members that the real purposes of the Church are not entirely set at nought or neglected. In lieu of the sources of revenue of the Board of First Fruits, which it merged in another board, and of the vestry cess, which it abolished, the legislature in that measure thought fit to provide, for the same purposes to which these had heretofore administered, other ecclesiastical revenues, which, though they obviously could not for a considerable time meet the purposes for which they were designed, without assistance from the public treasury, will according to calculation, at a future period realise a considerable surplus. My noble Friend opposite last night stated, that the whole amount of permanent income which the Commissioners had at their disposition to meet the permanent expenditure of 69,000*l.*, was but 29,000*l.* It is true that 29,000*l.* is the amount reported to have been at the disposal of the Commissioners last year, but my noble Friend omitted to make any mention, as perhaps he ought to have done, of what has occurred since last Session. Two bishoprics have since fallen in—namely, Ossory, to the amount of 3,500*l.*; and Cork to the amount of 4,300*l.*; together 7,800*l.* Moreover the present Bishop of Ferns and Ossory has become liable to the tax, on succeeding to the temporalities of the see of Ferns on the demise of the late Bishop. The tax on ecclesiastical benefices rated by the Commissioners last year at 750*l.*, has been increased by the Bishop of Killaloe becoming also subject thereto, and by the several livings exceeding 300*l.* which fell vacant last year. The Commissioners, in their Report to the 1st of August last, state also, that in appointments of clerks to three additional benefices amounting to an entire sum of 597*l.* have been suspended; and I am correct in stating, that since the date of that Report, the sinecure precentorship of Elphin, amounting to 263*l.*, has been also suspended; and the Tithe Bill provides for the suspension of another sinecure precentorship, that of Christchurch, the amount of which has been 1,000*l.* for the last two years; so that when these circumstances are considered, not to speak of the interest arising from the temporary investments in stock of the moneys realised from the sales of perpetuities, and which will be found for the half-year to amount to 1,540; the accession of income under these additional sources, for the present year, may be fairly estimated at 5,200*l.*, making in all, for the present year, 42,000*l.*; but this is exclusive of any moneys that may arise from the sale of perpetuities within the present year; and when the House hears that no less a sum than 166,151*l.* has been realised from this source alone to the 25th May last, that is, within the last two years—for the first six months the Commissioners sold nothing—that, indeed, in their first Report for the year ending August, 1835, they state they had only sold 2,365*l.*, it will scarcely be thought that this source of income is small or that it will not rapidly enlarge. It is not unreasonable to calculate on a further accession of income from this source during the present year; but that has been entirely overlooked by my noble Friend. I will now, with the permission of the House, proceed to place clearly before them the real state of the prospects of the fund, by showing the amount of the funds in the hands of the ecclesiastical Commissioners, when *all* the sources of revenue, as contemplated by the Church Temporalities Act, the Amendment Act, and the present Tithe Bill, shall have been realized; contrasted with the sources of revenue estimated, by Earl Grey, to arise under the Church Temporalities Act alone, as follows:—

1. CHURCH TEMPORALITIES ACT, 3 & 4 Will. IV. ch. 37.
Revenues as at present contemplated to arise from

1. Produce of suppressed sees	50,780
2. Reduction of the bishoprick of Derry immediate and prospective	6,160
3. Future reduction of Armagh see . . .	4,500
4. Glebe-house loan instalments, repayable for the next fifteen years . . .	7,500
5. Tax on continuing bishoprics . .	4 600
6. Tax on incumbents of benefices . .	7,300
7. Interest at £4 per cent on £1,050,000, to arise from sale of perpetuities . . .	42,000

N.B. Of the £1,200,000 calculated to arise from sale of perpetuities by the Ecclesiastical Commissioners (but estimated by Mr. Finlaison the Government actuary, to amount to £1,507,050) there has been realised and disbursed by the commissioners £150,000; but the interest of the

residue thereof, amounting to £1,050,000, will at the rate of £4 per cent. produce an annual permanent sum, as above specified.	
8. Income of benefices, suspended under the non-celebration service clause, for the three years to February, 1833.	Nil

II. ACT TO ALTER AND AMEND CHURCH TEMPORALITIES ACT, 4 & 5 Will. IV. ch. 90.

9. From 38 dignities, without cure, and 49 prebends, without cure of souls, after deducting the expenses of collection, and making other abatements and deductions	8,000
N.B. This Act provides that in the case of any person holding any dignity or office under the rank of an archbishoprick or bishoprick, and *not* having cure of souls in any parish appropriated thereto, the appointment to such dignity or office may, on the next avoidance, be suspended, which is the case of the aforesaid 38 dignities and 49 prebends	
	£130,840

III. THE PRESENT TITHE BILL.

10. The 77th Clause saves existing interests, but vests the property belonging to minor canons and vicars choral in the Ecclesiastical Commissioners (some of which offices are reported by the revenue commissioners to be complete sinecures); and after providing for such of these offices as have duties, and are necessary to be upheld, authorises the surplus arising from such estates, amounting to an entire sum of £22,624, to be carried to the general fund, which surplus is estimated to amount to.	4,000
11. The 79th Clause provides that the sinecure tithes disappropriated from all dignities (having cure) may instead of being given to the vicars or perpetual curates, if otherwise sufficiently endowed, be carried to the general fund, under the administration of the Ecclessiastical Commissioners; the revenue arising from which, after making all necessary deductions and abatements, is estimated to amount to	5,300
	£139,140

I. CHURCH TEMPORALITIES ACT. 3 & 4 Will. IV., ch. 37.

Revenues as estimated by Earl Grey to arise from—

1. Produce of suppressed sees	£50,780
2. Reduction of the bishoprick of Derry, immediate and prospective	6,160
3. Future reduction of Armagh see	4,500
4. Glebe-house loan instalments, repayable for the next 15 years	8,000
5. Tax on continuing bishoprics	4,600
6. Tax on incumbents of benefices	41,800
7. Interest, at £4 per cent., on £1,000,000, to arise from the sale of perpetuities	40,000
N.B. Under the Church Temporalities Act the ecclesiastical commissioners have the power of applying the principal arising from these sales to meet their present exigences, which precludes the possibility of realising eventually an annual permanent income from this source.	
8. Income of benefices suspended under the non-celebration service clause, for the three years to February, 1833	Nil

II. ACT TO ALTER AND AMEND CHURCH TEMPORALITIES, ACT 4 and 5 Will. IV., ch. 90.

9. Not provided for under the Church Temporalities Act.	Nil

III. THE PRESENT TITHE BILL.

10. Not provided for under the Church Temporalities Act.	Nil
11. Not provided for under the Church Temporalities Act	Nil
	£155,840

Revenues as contemplated to arise from the combined provisions of the Church Temporalities Act, the Amendment Act, and the present Tithe Bill, amount to 139,140*l.*

APPLICATION OF THIS REVENUE.

The charges which the foregoing fund of 139,140*l.* is designed to meet will be as follow:—

1. When the churches shall have been put into complete repair, the ecclesiastical commissioners report that the future repair of them will require an annual sum of	£25,000
Other expenses formerly defrayed by vestry cess, they state, will require	35,000
2. Expenses of the Commission	10,000
3. Interest on 100,000*l.* advanced the Ecclesiastical Commissioners in way of loan, at 4 per cent	4,000
	£74,000
4. Building of churches, as estimated by Earl Grey	20,000
5. Building of glebe-houses, as estimated by Earl Grey	10,000
6. To repayment of the loan of 100,000*l.* by annual instalments, for the next five years, of	20,000
	£124,000
There will remain, therefore, to meet deficiencies in the items as above specified, which must increase as the building of churches increases; for the other objects of the Commission; and for the additional clerks which the ecclesiastical commissioners are authorised to employ to carry the provisions of the Tithe Bill into effect, a residue of	15,140
	£139,140

Revenues as contemplated, by Earl Grey, to arise from the provisions of the Church Temporalities Act alone amount to 155,840*l.*

APPLICATION OF THIS REVENUE.

The charges which the foregoing fund of 155,840*l.* was designed to meet, are stated by Earl Grey to be as follow:—

1. The Church cess, including the repairs of churches, estimated at	£60,000
2. The augmentation of small livings to 200*l.* each	46,500
3. The building of churches, being the average expenditure of three preceding years	20,000
4. The building of glebe-houses, which his Lordship considered very necessary, as not one half of the benefices were provided therewith	10,000
	£136,500
5. The expenses of the Commission, estimated at	6,000
	£142,500
There remained, therefore, to meet deficiencies, in the amounts as above estimated, and for the other objects of the Commission, a residue of	13,340
	£155,840

being nearly 2,000*l.* a year less than we now calculate on. The characteristic and distinguishing feature between the contemplated measures and the provisions of the Church Temporalities Act is, that the necessity of appropriating 46,500*l.* for the augmentation of small livings, as contemplated under the Church Temporalities Act, will not arise under the provisions of the proposed Tithe Bill; so that not only a larger residue will remain for the building of churches and glebe-houses, and the other objects of the commission, but a provision is made for enabling the commissioners to repay the debt of 100,000*l.* due by them to the public. When I have said that the noble Lord opposite has dealt rather hardly with his own measure, I feel that in one respect I am bound to defend that measure, as well as the commissioners, because it must be remembered that when they began their operations, they found an arrear of vestry cess for the last three years—payments evaded, it should be remembered under the glorious system which my noble Friend has since taken under his protection. After the statements which I have laid before the House, I feel myself in a position to contend, that by the operations of the present Tithe Bill, the financial concerns of the ecclesiastical commissioners, and the objects contemplated by the Church Temporalities Act, are, to say the least of it, in no degree deteriorated or injuriously affected. My opinion is, that they will be considerably aided and improved by this Bill. With that Act this Bill in no way interferes, except to improve it. Indeed, so strict is the abstinence from all interference, that, where funds are still to be deducted from sinecure dignities, we do not propose to carry this new surplus to the consolidated fund for the purposes of education, but they are to be carried to the account of the ecclesiastical fund. If, therefore, after meeting the principle of the Church Temporalities Act, the Legislature thinks it can find further surplus revenue, it is quite right to inquire whether or not a more rational, a more equitable, or higher purpose, cannot be answered in a fresh distribution of that surplus. I say this because I feel, that whereas one set of purposes provides only for the wants—and most important and most indispensable wants, I fully admit them to be—of a certain set, or, if you like the term better, of a segment of the population—the other set of purposes, without excluding that segment, provides for the very important and indispensable wants of the whole population. It was with this feeling that I heard one particular part of the speech of my hon. Friend, the Member for Weymouth, with peculiar gratification. In the justice of my hon. Friend's admonition, with respect to general education, I cordially concur. I fully agree with him that it is quite incumbent upon us to take care that the whole system of national education should be carried on upon a neutral and impartial principle. I am aware that several charges have been advanced against the present mode of carrying on education in Ireland. Some of these charges have, on representations being made to Government, been duly inquired into, and satisfactorily disproved; but there are others for which there is some foundation. I believe, however, that where the charges are well-founded, the defects are principally owing to Protestants having withdrawn from the management of the schools, and from the very inadequate means which the Commissioners as yet have had of providing properly instructed teachers for the schools. I have reason to think that several of the statements which have been put forth as to the working of the system, are very far from well-founded. I have heard to-day, upon authority on which I can rely, that one-twelfth of the schools in Ireland are in the Protestant county of Antrim, and one-fourteenth in the Protestant county of Down. This I am quite ready to admit, that if the Legislature consents to enlarge and extend the system, and if grounds of complaint and suspicion should exist, then it will be quite fair to expect that Government, or the Legislature, should institute the most searching inquiries into the subject. The other prominent ground of objection to the Bill appears to be the alleged low average amount of income proposed to be assigned by the Bill to the future parochial clergy of Ireland. Upon this point I will first observe, that I certainly feel that, if I could put all antecedent and surrounding circumstances aside, I could go quite along with the noble Lord and his friends in their wish to divide the whole Church revenue of Ireland, nay, twice as much, if there were twice as much, among its clergy. As far as my mere personal inclinations are concerned, I should be quite willing to make the clergy of Ireland, present and to come, as well off as myself, as well off as their learning, refined habits, private excellence, and amiability merit; but what we have as legislators to consider is, the circumstances of the case, the present state of Ireland; and the question, therefore, comes to this, do the incomes which we assign to the future clergy of Ireland fall short of the incomes of the clergy of the sister Church. In reference to this part of the subject, I shall have to trouble the House with a few statements of details. By the Report of the Instruction Commissioners, it appears that there are 1,385 ecclesiastical benefices in Ireland, at the present time; but should a new distribution of ecclesiastical benefices take place, it is submitted that no necessity would exist for upholding so many benefices. We, therefore, propose to reduce the number to 1,250, with an average net income of 294*l.* 13*s.* 4*d.* Of these 1,385 benefices we find that there are—

Without any Protestants.	Where the Protestant population does not exceed, or is less than,				
	5 Persons.	10 Persons.	15 Persons.	20 Persons.	25 Persons.
Class I.	Class II.	Class III.	Class IV.	Class V	Class VI.
41	20	23	31	23	27

With respect to the forty-one benefices in the first class, no plea of necessity can be advanced for upholding any of these benefices, in which there is not a single Protestant; neither can it be contended that the necessity arises in regard to the twenty benefices in the second class, of which one contains only a single Protestant, seven of them only two, three of them only three, six of them only four, and three of them only five Protestant individuals. And with respect to the remaining four classes of benefices, if they be considered as consisting not of individuals, but of families, and each family to consist of Protestant parents and two or three Protestant children, the third class of benefices, as aforesaid, would contain about two Protestant families; the fourth class, about three; the fifth class, about four; and the sixth class, about five, or, at the most, six Protestant families. Now, if such be the existing state of things in Ireland, it is submitted that the necessity would not arise of establishing, in any of these benefices, or any like them, a church, glebe-house, glebe, and resident minister, for the accommodation of two, three, four, five, or even six Protestant families, varying in number from ten to twenty-five Protestants, when, by the annexation of such benefices, or a part or parts thereof to the church of an adjoining benefice, as local circumstances may render most advisable, and the contiguity of the Protestant inhabitants may require, the spiritual wants of the Protestants may, by such annexation, be more conveniently, and therefore more effectually, provided for than by the erection of a church, and the location of a minister in an extensive parish, where the few Protestant families live at a remote distance, it may be, from one another, scattered, as it were, over a large extent of territorial surface, which, in Ireland is not unfrequently the case; it being remembered that the question of contiguity, and all other local circumstances of the Protestants, convenience to the Church, &c., are proposed by the Bill to be referred, in the first instance, to the Ecclesiastical Commissioners for their Report, and afterwards to the Ecclesiastical Committee of the Privy Council, for their adjudication thereupon; and this, not merely upon the next vacancy of each and every benefice, but upon every vacancy in future, should ulterior circumstances require the bounds and limits of the benefices to be modified and altered. If, therefore, the number of benefices, as at present existing in Ireland, be 1,385, and the reasonableness of the preceding observations be admitted, there are no less than 165 benefices contained in the six classes of benefices I have referred to; so that if 1,385 be reduced by 165, there will only remain 1,220 benefices, for which provision will require to be made by means of a church, glebe-house, glebe, and resident minister. But as some of the benefices consist of unions of two or more parishes, and as the parishes forming these unions, may from their extent, require to be erected into two benefices instead of one (as is the case at present), the convenience and contiguity of the Protestants to their respective places of worship being duly considered, provision has been made for the founding of 1,250 benefices, conceiving that it may be advantageous to subdivide some of the existing benefices, and to erect new ones. The details of the proposed 1,250 benefices with the average amount of clerical incomes under the present Bill, will be as I shall now describe. There will be

675 benefices, containing more than fifty and less than five hundred Protestants, to each of which may be assigned an income of 200*l*., arising from rent charge, and 45*l*. arising from thirty statute acres of glebe, valued at 30*s*.* per acre; thereby making the gross income required for benefices of this class amount to—

Rent charges.....£135,000
Glebe lands.... 30,373

Total £165,373

211 benefices, containing more than 500 and less than 1,000 Protestants, to each of which may be assigned an income of 300*l*. from rent-charge, and 45*l*. from thirty statute acres of glebe valued at 30*s*.* per acre; thereby making the gross income required for benefices of this class amount to—

Rent charges......£63,300
Glebe lands......... 9,495

Total £72,795

190 benefices, containing more than 1,000 and less than 3,000 Protestants, to each of which may be assigned an income of 400*l*. from rent

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* The value of the glebe lands is taken at 30*s*. per statute acre, as the glebes to be assigned the clergy will consist wholly of profitable land, rent free, which is about the average acreable value of the profitable glebes in Ireland at present.

charge, and 45*l.* from thirty statute acres of glebe, valued as before; thereby making the gross income required for benefices of this class amount to—Rent charges.........£76,000
Glebe lands......... 8,550
Total £84,550

51 benefices, containing more than 3,000 Protestants, to each of which may be assigned an income of 500*l.* from rent charge, and 45*l.* from thirty statute acres of glebe, valued as before: thereby making the gross income required for benefices of this class amount to—
Rent charges......£25,500
Glebe lands......... 2,295
Total £27,795

And if to these be added the 123 benefices, containing less than 50 Protestants; to each of which may be assigned an income of 100*l.* from rent charge, and 45*l.* from 30 statute acres of glebe, valued as before; thereby making the gross income required for benefices of this class amount to— Rent charges........£12,300
Glebe lands......... 5,535
Total £17,835

1,250 benefices requiring an entire sum of...........£368,338

thereby making the average net income of the 1,250 benefices amount to 295*t.* 13*s.* 4*d.* per annum. This being the assigned income of the Irish clergyman, let us now turn our attention to the circumstances of the clergy in England. I find by the Return of the English Ecclesiastical Commissioners, that the number of benefices in England and Wales returned to the Commissioners, including sinecure rectories, is 10,540; that the aggregate amount of the gross revenues of the incumbents of those benefits, in the several dioceses, is, 3,197,225*l.*; that the aggregate amount of the net revenues of the incumbents of the aforesaid benefices, is, 3,004,721*l.*; that the annual average for each incumbent upon the total gross income returned, is 303*l.*; and the annual average upon the total net income returned, is only 285*l.* The net income of the Irish incumbents of the 1,250 benefices will be 294*l.* 13*s.* 4*d.*, while the net incomes of the English clergy at the present day is only 285*l.*, although the duties of the English clergy, from the increased number of their congregations, must be heavier and far more onerous than those of the Irish clergy. In comparing, however, the average net incomes of the English clergy with those of the Irish, under this Bill, it should be observed, in order to do equal justice in instituting the comparison, that when 285*l.* is reported to be the average net income of the English clergy, no deduction whatever is made from the gross incomes on account of the stipends paid to their curates, of which curates the Report of the English Commissioners states there are 5,230 employed by the resident and non-resident incumbents, whose stipends amount to a gross sum of 424,695*l.*; so that if the average net incomes of the English clergy be struck, after deducting the stipends paid their curates, it will only amount to 244*l.* 15*s.* 8*d.*, instead of 285*l.*, as already mentioned; while the net incomes of the Irish clergy will, after deducting the proportion of stipend payable to the curates by the incumbents, average at 288*l.* 16*s.* 8*d.*, under the proposed Tithe Bill. There is another feature, touching the character of the revenues of the English clergy, as compared with those of the Irish clergy, under the proposed Tithe Bill, deserving of special notice. The English Commissioners report, "that the pew-rents have been treated as ecclesiastical revenue, although a variable and uncertain source of income; that in those benefices which of late years came into existence under the Church Building Acts, or by operation of other causes, the pew-rents (which are so variable and uncertain) constitute the sole or principal support of the minister; that the three years' average of income to 1831, may be considered as applicable to a continuing, though a variable income; and liable to reduction by the failure or defalcation of some of its sources, or by reduction of rent, or by fresh agreements for the compositions of tithes." And they also report, "that there are a great many outgoings, which it has been impossible to take account of in the table, being only occasional, and not admitting of an average; such as, calls for subscription towards drainage and embanking, &c." The result, therefore, is, that the English clergy cannot calculate, with any degree of certainty, on the average amounts of their incomes as before stated; owing to one source of their revenues, namely, the pew-rents, being uncertain and variable in amount, and which in some cases constitute the only source of revenue; owing, also, sometimes to a failure of the crops, reduction of rents, or fresh agreements for compositions of tithes, which are variable; and owing to occasional outgoings, which did not admit of any average being taken. In England, therefore, no small degree of uncertainty seems to characterise the perception of clerical income, which many circumstances may contribute to reduce even below the average net amounts, as already stated. But in Ireland how different will be the condition of the clergy, from the security and certainty which, under the proposed Tithe Bill, will attach to the perception of their incomes in future. From and after a certain time in each year, the Irish clergy will be entitled to receive from the Ecclesiastical Commissioners a warrant, expressive of the amount of rent-charge payable to them, regulated, no doubt, according to the provisions in such case made and provided; a day, as convenient as may be, after the 1st of January, in each year, will be appointed and notified for discharging these warrants at the Bank of Ireland; and until they shall be discharged, the warrants will bear an interest of 1½d. per cent. per diem, on the several sums therein expressed; and, lastly, the only deduction to which incumbents of benefices created under this Act will be subject, will be *6d.* in the pound on the amount contained in the warrants, as it is intended, as part of the proposed measure, to exonerate the clergy from all other charges and outgoings; such as glebe-rents, schoolmasters' salaries, expenses of collection, procuration fees, synodals, &c., save and except the exhibits fees payable at visitations. Independently of the excess of the average gross and net incomes of the Irish clergy under the proposed Bill, over and above those of the English clergy, under the existing *regime,* if the certainty of the amounts of income, and of regular periodical payments of the Irish clergy be alone considered, they are of themselves most important advantages, which cannot be lightly esteemed, and which ought not to be underrated in the eye of the clergy, the Legislature, and the English public. In reference to Scotland, I have not been able to procure such precise returns, as to the average incomes of the Scottish clergy, as those which I have stated from England, and Wales, and Ireland. I have, however, ascertained that the incomes of the Scottish clergy vary from 170*l.* to 240*l.* a-year. I will now proceed to make to the House a statement of the average of population, and number of benefices:—

	Population.	Number of Benefices.	Average of Souls to each Benefice.
ENGLAND AND WALES.—Population .. 14,500,000 Deduct for Dissenters, &c., one-fourth 3,625,000	10,875,000	10,718	1,014
The Bishop of London states the number of the Established Church as three-fourths, Lord Grey thought it much less.			
SCOTLAND.—No deduction is made	2,500,000	900	2,770
PRESBYTERIANS—ULSTER—(The gross number in Ireland is 642,356)	500,000	200	2,500
ESTABLISHED CHURCH IN IRELAND	852,064	1,250	681

The following will show the general results of the foregoing statement:—

	Benefices.	Of Income.	Population.	Acres.	Square Miles
England and Wales	10,718	£.285	1,014	3,460	5
Scotland	900	240	2,770	21,048	32
Presbyterians of Ulster	200	155	2,500	15,903	40
Established Church in Ireland ...	1,250	295	681	10,000	25

Thus the Irish clergy will, by the proposed Bill, be paid better, and have less duty to perform, than the clergy in any other part of the empire. It appears by the Report of the Public Instruction Commissioners, that there are in Ireland 852,064 members of the Established Church. Provision has been made for 1,491 incumbents and curates of parochial benefices. Rejecting fractions, there will be one minister for every 571 Protestant individuals, exclusive of Bishops, and other dignitaries of the Church: and supposing each family to consist only of Protestant parents, two Protestant children, and one Protestant servant, there will be a minister of the Church for every 114 Protestant families. Now I think that these are very fair and valid grounds for arguing that the amount of the income enjoyed by the clergy of the Established Church in Ireland, considering the far less extent of their duties, and the comparatively limited number of their flocks, should not amount to as much on an average as that of other established churches, where the duties are more onerous, and the number of the flocks is greater; but in my much abused and calumniated Bill—in the Bill drawn up by the arch enemy of mankind—in my Bill, so reprobated by the hon. Member for Oxford, the amount exceeds the average amount in any of the other churches, while the extent of the duty will be less, and there will also be a great deal less of inequality in the distribution of the income. I do not speak of the Catholic clergy of Ireland, because it is well known to the House that they, like most other Dissenters, receive nothing at all from the State; but when we are told with so much perseverance of our niggardly dealing with the ministers of the Gospel, I think it is not quite fair to put out of consideration that of those ministers of the Gospel who have most of work on their hands, to them both this side of the House and the other side are content to assign nothing. I do not know whether there are any other material points which I have not noticed. My noble Friend stated as a great reason for not alienating any surplus from the immediate uses of the Established Church, that there are 505 benefices in Ireland without glebes. He states the number of chapels and churches at 1,594, and says we are reducing the benefices to 1,250. Now this includes the whole; and it is known that there are only 1,177 parishes in Ireland which have churches. As regards the arrangement of the benefices, a discretion is proposed to be vested by my noble Friend in the Privy Council. We have endeavoured to frame our measure so as to make it as little offensive as possible to the Protestants of Ireland. We propose to refer to the judgment of a Committee of the Privy Council, to be appointed, not by the Lord-lieutenant of Ireland, but by his Majesty, he being the head of the Church, and we have limited the members of that Committee to members of the Established Church; whereas my noble Friend proposes, in certain cases, to vest the same responsibility, not in a Committee—not in a Selected Committee—but in the whole Privy Council. The Ecclesiastical Commissioners are to make their Report to the Privy Council, and that Privy Council may at any time consist, not exclusively, as now, of members of the Established Church, but even of a majority of Roman Catholics. By the way, as regards the investment of so much authority in the higher functionaries of the state, the recent proceedings of our opponents have shown they do not entertain so very sensitive a feeling on that subject as was represented. My noble Friend referred to some parishes as an illustration of the working of the Church Temporalities' Act; and among others, my noble Friend described the Fircall Union as consisting of six parishes, having a Protestant population of 1,115 persons, with five clergymen, and a joint income between them of about 315*l.* Now, it is true that this Union does consist of six parishes—that its total population is 1,115 Protestants—that there is a vicar and four curates—but instead of the income being 315*l.* a-year, the income is no less than 1,800*l.* and upwards; for, exclusive of the 315*l.* arising from tithe compositions, there are no less than 2,039 acres, plantation measure, in this union, viz.—593 acres in Lynally, 528 acres in Killaghey, 453 acres in Ballyboy, 465 acres in Drumcullen and Eglish parishes. But observe, that instead of this being a joint income between the five clergymen, the whole of the revenue is taken by the vicar, who pays 75*l.* a-year to each of his four curates. And what effect will the provisions of the Tithe Bill have on this union? It will be competent, if deemed advisable, to erect each of these parishes, with the exception of one, which has not any church, into a separate benefice, and, as each of the four benefices will then contain more than fifty, and less than 500 Protestants, to assign to each incumbent an income in rent-charge to the amount of 200*l.* per annum, and in glebe land to the amount of 45*l.*, so that, instead of one incumbent swallowing up all the revenues, there will be four incumbents, whose joint income may amount to 980*l.* divisible in equal portions, and which will be an arrangement far more eligible, both for the ministers and the Protestants, than the existing one. My noble Friend described the Archdeaconry of Dublin as consisting of the parishes of St. Peter and St. Kevin, having a population of 10,114, and including three perpetual curacies—Rathfarnham, with a population of 890; St. Mary Donnybrook, with a population of 3,500; and Taisney with a population of 895; making a total of 15,599 members of the Established Church; that is, a benefice employing sixteen clergymen and eleven churches, and yet it is treated as a mere single benefice by myself. Why, it is true that it has been suffered to continue as a single benefice up to the present time; but this is one of the very points which the Ecclesiastical Committee of the Privy Council will have to take into consideration, namely, whether, it should be suffered to continue a single benefice, or whether a more eligible distribution of the component parts of it might not advantageously be made; the present Bill proposes to correct the very abuse which has been suffered to exist up to this moment, of which my noble Friend complains, and to do that with the most advantage to the Protestants, due regard being had to the ministerial duties of the future incumbents, to assign them a provision suitable thereto. The whole emoluments, arising from minister's money, tithes and glebe, are taken by the archdeacon, who pays to each of these sixteen curates a stipend of 77*l.* per annum; not one of these curates are perpetual curates, as my noble Friend conceives, they are mere stipendiary curates; and by them the whole duties of this extensive benefice are discharged, the archdeacon himself having another benefice in the county of Kildare, where he resides for the most part; and with respect to this benefice the Committee of Council will have the like power, as before, of considering whether a more eligible arrangement might not be made, and of apportioning the income of the several incumbents in regard to the duties which they may have to perform. Another case which my noble Friend cited was the town of Belfast, a single parish containing 17,942 Protestants, while the income derived by the incumbent is just 300*l.*, and no more. Why this, and all other city benefices, are the very cases to which the provisions of the Tithe Bill so peculiarly apply. Should the remission of 30*l.* take place, the incumbent of Belfast would have only 210*l.* a year, and yet be obliged to support two curates; and supposing each curate to be paid the legal stipend of 75*l.* a year each, all the incumbent would have for himself would be 60*l.* a year; whereas, under the provisions of the Tithe Bill, the Committee of Council may and ought to assign him the *maximum* income of 500*l.* rent charge, and 45*l.* glebe; and besides, they ought to allow him a stipend of 75*l.* for each, and as many curates as they may consider so large and important a Protestant population to require; so that the income of this benefice, instead of being 210*l.*, with two curates' stipends to be provided out of it, of 75*l.* each; the benefice ought to be made worth, as the Bill provides, 695*l.*—viz. 545*l.* to the incumbent, and 75*l.* to each of his curates, the incumbent providing the remaining 25*l.* to each curate out of his own income. Now, there is a plea which is consistently brought forward against all our proceedings and all our arguments, the force of which I do not mean to evade, which is, that the necessary effect of our own principles and of our own reasoning is to forbid us to stop where we are, and to carry us on much further. I never have assumed, in arguing on this question, that our measure meets the whole case or sounds the entire grievance; but I do say, that in a state of things such as is here before us, we have to deal with affairs extremely involved, complicated and disordered; we have to deal with a state of things of long prescription and practice, surrounded with difficulties, which in some way or other must be met, and we come forward to suggest that which, according to first principles and strict reasoning, may not be quite regular and right; but we suggest that which appears to us, under all the circumstances of the case, as an available compromise and a reasonable adjustment. For this we are met with an angry outcry and a long resistance—for this are we subjected to the imputation of every conceivable base motive, and are charged with an unworthy subserviency. Thus it is that we are driven, by the force of necescreed of that Church; and in doing so, he proceeds upon the principle that the gross income of the Church is not too large for the wants of those who belong to it, and may be so disposed of for their benefit as to leave no surplus whatever. There is a fourth point, which relates to the schemes projected for the education of the Irish people, on which the noble Lord himself appears to have some scruple; for he says, that if it should be necessary to call upon this House for a large annual supply from the public funds, that there may be so much doubt as to the mode in which it is to be administered, that he should think it to be consistent with his duty to move for a previous inquiry. Now, are we to understand that he has given notice of such an inquiry? I say, that he is bound to do so, because this Bill takes out of the Consolidated Fund no less than 50,000*l.* a-year—surplus or no surplus, income or no income—and, therefore, according to his own admission, the circumstances are such as to demand inquiry. I have heard it broadly stated, that the Commissioners have come to an understanding, that the education of the Protestants shall be superintended by Protestants, and that of the Catholics by Catholics. I wish to ask the noble Lord whether this be true, because, if it be, the arrangement appears to me an inconsistent one. It is said, that the mass is performed in the schools in the presence of the children; that some of the money granted for the building of schools has been used in the erection of a nunnery; if so, these are facts of grave importance, which throw great suspicion over the circumstances attendant upon the management of the fund, and render it necessary that the House should inquire before it pledges itself to any further grant of money. The hon. Member for Weymouth says, that my noble Friend, the Member for North Lancashire, has left totally out of his consideration the 6,000,000 of Catholics in Ireland. Now, in questions generally affecting that country, I should be the last person to contend that, rising as they are in power and importance, they should be overlooked; but I maintain that if there can be any case brought under the consideration of Parliament, in which we are not only entitled, but in the first instance bound to set aside the feelings, the wishes, and the interests of the Catholic population of Ireland, it is one in which a question arises relating to the property of the Established Church. This property is set apart for certain exclusive Protestant uses. I do not say, that it is intended solely, for the benefit of the hierarchy of that Church; but I do say that it is property vested in the hands of the Church, specially for the spiritual benefit of the Protestant laity of Ireland; and as long as any of their claims are unsatisfied, I contend that the wishes and feelings of the Roman Catholic population are not to be consulted in the distribution of it. I go further, and maintain that, even supposing this destination of the property not to be for the best of all possible purposes, the impropriety of diverting it from that channel would not be in the least diminished. I remember that in a lecture delivered by a distinguished, but now deceased Friend of mine, Sir James Mackintosh, on the rights of property, he said:—

> "Great wealth in the hands of a bad man may, by fraud, be transferred to the hands of a good man; and the immediate effect of that transfer may be beneficial: but the rules which regulate the right of property are, nevertheless, weakened, a dangerous example is set, and security for life and property is destroyed."

Now, it has been said, in this debate, that there will be no scruples, and, therefore, there can be no robbery; but I conceive that where the principle itself involves in it the right of property, this is laying down a most dangerous position; it is as much as to say, that if I find a man with his hand in my pocket, seeking for my purse, and no robbery is committed,—no harm is done. The intention here is to take money which has been destined to the support of the Protestant Church, the necessities of which still require it; and I can only look upon such a spoliation, effected under Parliamentary sanction, as establishing a most dangerous principle, and one totally inconsistent with the settled rights of property. I will now shortly advert to some observations of the noble Lord, the Secretary of State for the Home Department. I agree with him, that he takes a broad view of the nature of a church establishment, when he says it is not intended for the inculcation of any particular doctrine—that the Legislature is not to look to the truth of the creed it professes.—[*Hear! hear!*] The hon. Member for St. Alban's cheers that expression. Surely, a Gentleman of his clearness of understanding must see, when a Church is established by the State, it is the duty of that State to declare what the creed of that Church shall be. If you do not do this, you can have no Establishment whatever—all religions are put upon a perfect equality. In this case we must have more than the generalities of the noble Lord. The Legislature must particularize —must mark its preference for some religion above all others, and secure, by proper measures, the peaceful observance of it throughout the country. I consider, therefore, that the State is bound to specify and define the religion which it is inclined to maintain. The noble Lord (John Russell) referred to Paley, in support of his view of the matter; but I do not think it is possible that the opinion I profess can be laid down in a more clear and satisfactory manner than it is done by that authority. Arguing in favour of a Church Establishlishment, he proceeds by steps. He says, that there are three requisites for it: first, that there must be an order of men set apart for the offices of religion; second, that there must be a local provision for their maintenance; and third, that the provision thus made, must be confined to the teachers of a particular sect; and, as if he was not satisfied with all this, he adds, "the knowledge of Christianity cannot be upheld without the clergy; they cannot be supported without a legal provision." I see the hon. and learned Member for Kilkenny objects to this, but let him remember that I am quoting an authority which was referred to by the noble Lord, the Secretary of State for the Home Department:—"and a legal provision cannot be established without the preference of one particular sect." So far the authority of Paley. I do not, however, much rely upon it, because it appears to me to be a self-evident proposition, that when a State marks out the generalities of a Church Establishment, and maintains it by a legislative provision, it is the duty of that State also to particularize the doctrine which the Church shall teach. When the noble Lord applied himself to the figures of my noble Friend, which he found much difficulty in dealing with, he complained that it was unfair to take an average which was founded on the *minimum* of the Bill; but I acquit him of that unfairness, for the noble Lord, who has just sat down, has argued on the *maximum* of it, in a manner which would almost induce one to believe that figures can be made to bend either way; in doing so he has included a glebe. Supposing, however, that the Government only awards the *minimum*, so far from the clergyman receiving 295*l.* a-year, which is said to be the average amount, it will be reduced by two-thirds of that sum. Upon the average, it will be found, that the benefices of the clergymen in Ireland, by the provisions of this Bill, will be reduced to somewhat less than 130*l.* a-year. The noble Lord has said, that this Bill ought to be construed in the spirit in which it has been framed. It struck me, as somewhat extraordinary, that the noble Lord the Secretary of State for the Home Department should have, in the most marked manner, observed, that this Bill is not so much the Bill of the Government as the Bill of the noble Lord (Morpeth). The same noble Lord observed, that if he had to frame this Bill he would not give an income where there were not fifty resident Protestants. Is this, I ask, the spirit in which the Bill is to be construed? Judging then of this Bill, by the spirit of the framers, and presuming, notwithstanding the disclaimer of the noble Lord, the Secretary for the Home Department, that it is to be construed in the spirit of its framers, I cannot but regard it with apprehension. What did the same noble Lord say of the Ecclesiastical Commissioners? Why, he almost accused them of malversation. What of the Church Temporalities Act?—an Act to which that noble Lord himself was, as a member of the Cabinet, just as much a party as my noble Friend the Member for North Lancashire. I should remark, too, that that Bill was brought in, not by my noble Friend, but by the present Earl Spencer, and that for the purpose of marking to the House and the country that the Cabinet unanimously adopted it, and that each member of it, with the noble Lord the Secretary of State, had generally adopted it, and generally approved of it. I was somewhat amused at the noble Lord, the Secretary of State, declaring that although this Bill was framed by the noble Lord the Secretary for Ireland—combining as it does provisions which tend to reduce the income of the clergy,—yet that it was framed at the suggestion of the right hon. Baronet the Member for Tamworth. The right hon. Baronet the Member for Tamworth disclaims the responsibility of it altogether. Nothing can be more unfair than to assume that an hypothetical argument, used by that right hon. Baronet, in the course of a former debate, has been the foundation for such a Bill as this. Looking to the course pursued by the right hon. Baronet—looking to the discussions on this subject, nothing can, I say, be more unjust, than to fix the paternity of the bantling on him. The paternity is not on this side of the

House. The author of the Bill clearly sits on the other side of the House. The author of this Bill is the hon. Member for Middlesex. It was almost begotten by him in the presence of the House. I shall quote a passage from a speech of his. It is this:—"I, for one, see no reason why we need hamper ourselves with benefices at all." That is simply and accurately a description of the principle of this Bill: and taking it, *mutatis mutandis,* it would answer for the title of the Bill itself. But the hon. Gentleman went on to say:—

> "Why not divide Ireland into districts, and allot a certain number of men to afford spiritual consolation to the Protestants residing within such district? Why not commute the tithes, sell all the landed property of the Church, and cast the proceeds of the sale into one common fund, out of which you can pay the stipends of the clergy, doing away with that inequality of income which now prevails in the mode of their remuneration."*

This doctrine is clearly and accurately laid down, and, I must say, much more clearly than the hon. Member for Middlesex is in the habit of expressing himself. The words to which I refer were used by the hon. Member for Middlesex on the 22nd of July, 1835. The noble Lord complains that my noble Friend who moved the amendment has not sufficiently discussed the details of this measure. I do not mean to go into them, because the present is not the proper time for doing so; but there are one or two points, with respect to which I entertain such strong objections, that I must beg permission to state the reasons on which those objections are founded. My first objection is, that the Bill goes to open all existing compositions for tithes; and this does not rest with the Lord-Lieutenant, or with the Privy Council; but the absolute power of deciding on these, which are solemn contracts, is committed to the arbitrary and irresponsible power of the Commissioners of Woods and Forests. In settling the amount of composition, reference is to be had to the price of corn for the last seven years, taking that of wheat as the test of the amount of composition to be established. Now, in reference to the Returns of the price of wheat sold at the markets of Cork, Limerick, Waterford, and Kilkenny, it appears that, within the last three or four years, the price has fallen 25 per cent. It does not follow that the price of grain may not rise; but the effect of taking this average will effect a material reduction in the value of the tithe. Look to what will be the case of a clergyman having a benefice, now, of the value of 1,000*l.* a-year. Under the powers of this Bill, his income will be reduced 25 per cent. The first operation of the Act will will be to reduce the 1,000*l.* to 750*l.* There is next to be applied the tax of 32½ per cent.; that brings the 1,000*l.* down to 506*l.* Is that all? Then there is the tax under the Church Temporalities Act, of 6*l.* 7*s.* 6*d.*; that brings it down to 500*l.* There are still attached to it further charges, and, taking them altogether, the 1,000*l.* is reduced to 450*l.* 2*s.* 6*d.* I say, then, that this is an unwise and unsafe provision, and one which this House ought not to enter into. It appears to me, that the powers given by this Bill upon the next avoidance of a living, of breaking up all the ancient parochial divisions in Ireland, are most improper. It is destroying all the landmarks of the Protestant Establishment in Ireland; it is placing everything relating to that establishment in inextricable confusion. At the same time, while you destroy those landmarks for ecclesiastical purposes, you retain them for all civil purposes. On a former occasion, I stated to this House that you cannot safely change any of the limits of the parishes unless you bear sedulously in mind that which should be always viewed as an essential point with respect to an establishment—namely, that every member professing the favoured creed shall have a church within a moderate distance of his residence. Now, in the shape in which the noble Lord has brought in this measure, I see no limitation to the doubling and quadrupling of benefices. This brings me to a calculation that has been made this evening. In point of fact, there is very little difference between my noble Friend and the noble Lord opposite. The average amount of income of the clergyman has been put down by the noble Lord as 295*l.* My noble Friend putsit down as averaging 298*l.* The real difference arising upon this point is just what I have stated. I am far from conceding that it would be a safe experiment to reduce the number of benefices in Ireland to 1,250. Taking them at thirty square miles each,—that is, six miles by five—I think they ought to remain at 1,385. If you admit that, then your whole case falls to the ground as to the surplus. There is not, I think, much difference of opinion among us as to what the income of the benefices ought to be. The real matter in dispute is as to the number of benefices, and that turns upon the size of the benefices:—and in this point of view it is essential to consider the nearest facilities of access to places of worship. Now, as to the Church of Scotland, to which reference has been made, I must observe, that there are twenty livings of which the income is 800*l.* a-year, ten of 600*l.*, ten of 500*l.*, and the several incomes, in short vary from 150*l.* to 800*l.* The hon. Member for Middlesex admits that 300*l.* is not too large an income for a clergyman who has duties to perform. In the Church Temporalities' Bill, my noble Friend has laid down the principle, that a benefice below 300*l.* should not be taxed. There is another point, too, of great importance to be noted. The clergyman remains liable to the charges made upon him, 'and yet his income is variable—it depends upon the best charge paid into the Exchequer. In England, the average of population in the parishes is upwards of 1,000; in Ireland, 681. Now, distance ought never to be excluded from our consideration in the arrangements of parochial distribution. In England, the average of acres in each parish is 3,450. Under the arrangement of the noble Lord, the average in each parish in Ireland is 10,000 acres. This is a most striking defect in the groundwork of the Bill. Documents have been laid upon the Table of this House with reference to the present condition of the different religions in Prussia. I am at a loss to comprehend the analogy between the two cases. In Prussia, no favour is given by the State to the Protestant religion above the Roman Catholic. In Prussia, the Sovereign has the supreme power of sanctioning the appointments of all clergymen not chosen by himself. Then there is the *concordat* between Prussia and the Church of Rome. If a *concordat* were proposed between the Church of Rome and this country, it would, I understand, be distinctly disclaimed by the Roman Catholics of this country. But it is said, that justice must be done to Ireland. There can be no man more sincerely anxious to do justice to Ireland than I myself am; but, upon this particular question there seems to be a very mistaken view taken of that matter. I will say that the first claim to justice is the claim of the Protestant population in Ireland; and I will not look to any other claim from any other quarter. I have endeavoured to show, that if we regard those interests the incomes of the clergy will be reduced—as I, and others acting with me, are prepared to concede that they shall be reduced, but not to too large an extent. But then this argument, as to justice to Ireland, how has it been put at various periods? At the time of the Reformation it was merely put, as to freedom of worship, without any aspiration after office, and without any complaint of being precluded from it. Afterwards, "justice to Ireland," demanded the abrogation of the sacramental test—then it claimed the elective franchise—then an equality of civil rights—then it must have Reform—and now, lastly, it has made a distinct demand for the revenues of the Established Church. Is, I ask, the destruction of the Protestant Establishment admitted to be, even by many of those who support his Majesty's Ministers, a safe principle to be acted upon? It has been said, that the rent-charge will be a burthen imposed on the Roman Catholic population. It may be easy to prove that the tithes are a tax paid by the landlord; (though that, I will admit, is a question of too great subtlety to be discussed on this occasion)—and that an impost of this nature must be galling to the people. But by the course which my noble Friend (Lord Stanley) has proposed, that great and crying evil will no longer be supposed to exist. I pressed my noble Friend (Lord John Russell) last Session for a Return which would summarily show the total amount of acres in Ireland which would be subject to the composition, and the number of Catholics and Protestants having the first estate of inheritance. That would place the question in a clear light, and at once remove all doubt. But not having been able to procure that Return, I am obliged to argue from the relative numbers of Catholic and Protestant landlords as they stand with respect to one of the dioceses of Ireland—Kilmore. In that diocese, the number of acres amounts to 357,000; and of these there are only 6,000 acres of which Catholics have the first estate of inheritance. The amount of composition for this district is 8,028*l.*; of this sum 7,921*l.* is paid by Protestant landlords, and only 107*l.* is derived from the Roman Catholics of the diocese. Carrying that proportion, then, over the whole of Ireland, the number of acres will be found to be 12,000,000, and only 201,680 of these are held by Roman Catholic landlords. The amount of composition will be 511,000*l.*, of which only 6,904*l.* will be paid by Roman Catholic landlords. If this argument be sound—and I am not aware that there is any fallacy in it—away goes the argument that the Church is supported by Catholics. It is maintained by Protestants and by Protestant income. The great grievance now complained of is, that the Catholic peasantry are subject to the payment of tithes. Now that all of us are agreed as to the necessity of removing that grievance, how can it be said that that is a hardship which imposes on the Catholic landlords only one seventy-fifth part of this charge? [*Calls of "Question."*] I am sorry to weary hon. Gentlemen; but I feel it to be my duty to state my sentiments upon the subject, and this I wish to do in a manner that may not be offensive. I wish, to the best of my abilities, to state distinctly what are my opinions. The hon. Member for Waterford, whom I do not now see in his place, has imputed to me the basest motives. Standing in the position which I do, I really feel almost ashamed to notice the observations of that hon. Member, and I can now hardly condescend to do so. When, however, I hear such reasons as he has thought proper to assume for the conduct which I have adopted, and when motives such as those which he has insinuated are imputed to me, I feel I cannot pass over the observations of the hon. Member in silence. He states that he has a shrewd suspicion that disappointed ambition has led me to pursue the course which I have taken on this question; and that if I were on the opposite Bench I would have taken a different course. Now, it does so happen that I separated from my hon. Friends on the Ministerial side of the House when they were in the plenitude of their power; but I seated myself by those who are on this Bench when they were out of power. [Mr. O'Connell: *Hear! Hear!*] The hon. and learned Member for Kilkenny seems to doubt that assertion, or to think that it requires qualification; but the hon. Member should not forget, that when the right hon. Baronet, the Member for Tamworth, sat on the Treasury Bench, I, under the peculiar circumstances of the moment, declined to sit with the right hon. Gentleman. So much for the "baseness" of my motives, and the "disappointed ambition" which has led me to take the course which I have taken. I now come back to a point from which I have digressed. I am anxious to show how the proposed change will tend to disturb tranquillity, and to shake the foundations of property; and impressing this view on the attention of the House, I beg to ask whether sentiments of a like description have never been uttered by his Majesty's present Ministers, and by one of them even since I retired from the Government? I shall first bring under the notice of the House the opinion of the noble Lord, the Secretary for the Home Department, in the year 1833, when the 147th Clause of the Church Temporalities Act was under consideration. That clause, as the debate then turned, first raised the question, Whether the appropriation of some surplus should not be diverted from Protestant uses to general State purposes? What, at that time, were the sentiments of the noble Lord, the Secretary for the Home Department. These are his words:—

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* Hansard, (Third Series) vol. xxix. p. 888.

> "He was personally convinced that to discuss the question would be to bring on a convulsion in the country.*"

I will not, now, discuss the question, which may at a future and no distant day arise, which the noble Lord then put to the House; but I ask whether, upon the subject now under debate—the application of the supposed surplus of 50,000*l.*—the noble Lord does not take a course by which he seems to think, in 1836, that convulsion should be risked for that which he declared, in 1833, was a matter that could not be justified?

> "If that House was to enter into a contest with the Lords they should do it for something worth contesting. The present was but a shadow of a claim, to prosecute which would be risking the peace and tranquillity of the country for the sake of an abstract principle. He regarded the Constitution in a very different light to some hon. Gentlemen. The check which one House exercised over another was not invented for the purpose of bringing the two Houses into collision on every difference of opinion, but in order that measures should be adopted that were satisfactory to both and beneficial to the country. There was no doubt that the diminution of the Bishops and the abolition of the Church-cess would not be voluntarily acceded to by the House of Lords, but merely because, on considering the nature of the Constitution, they would feel it their duty to yield to the sense of the country and to the declared wish of the House of Commons. The question for them to consider was, whether at the present season they would think it worth while to pass a Bill which contained many essential benefits, although it did not sanction a principle to which there existed in the minds of some men great, and perhaps insuperable obstacles. If that House were to enter into a contest with the House of Lords, he hoped the contest would take place on some question of importance, and that they would not wantonly and on trivial grounds provoke a collision.†"

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* Hansard, Third Series, vol. xviii. p. 1095.

† Hansard, Third Series, vol. xviii. p. 1095.

There are some hon. Gentlemen on the opposite side whom the noble Lord then proclaimed—I shall not do so—as having supported the clause of that Act, because, if it were carried, they hoped to have the Bill thrown out elsewhere, an event which the noble Lord thought they looked forward to with no inconsiderable degree of satisfaction. The noble Lord proceeded to say:—

"He could understand it as proceeding from those who in discussions which had taken place in that House had paid but little regard to the general security of property; but for himself, he was of opinion that this country would not stand a revolution once a year. Under the present circumstances of the country, they were bound to make sacrifices to preserve and promote tranquillity and the security of property. Let others be for convulsion, he was for peace.*"

But what, I would ask, do we find to have been the recorded, expressed opinion of the noble Viscount at the head of the Government, as delivered by him only nine months since? And here I ask the House to ponder well over this remarkable declaration, on the second reading of the Church of Ireland Bill, as brought up to the House of Lords. Lord Melbourne, on moving the second reading of the Bill of last Session, said:—

"At the same time, my Lords, that I propose this measure, I am fully aware of the effects which it will produce, and of the objections which may be urged against it. I am deeply sensible and much concerned at the impression which I feel that it will make. I cannot conceal from myself that it will be, in the first instance, and for a certain time, a heavy blow and a great discouragement to Protestantism in Ireland; that it will be also a great triumph to the adverse party. I am well aware that it is not the same thing to destroy as never to have constituted; to demolish as never to have built up; but this evil, which I trust will be but temporary, is forced upon me by the untoward circumstances which I have already described. I cannot avoid it, and that which I cannot avoid, I must submit to with as much patience as I can command, and temper with as much of remedy and alleviation as it is in my power to administer. I admit the great peril and danger which necessarily attend upon and accompanies such mighty and fundamental changes. The shake and convulsion which they create, render doubtful the safety, not merely of the Establishment, but of the Constitution itself.†"

[*Oh! Oh!*] What! Does that hon. Gentleman mean to deny that I correctly quote the words of the noble Lord, or does he feel disposed to reprehend me for repeating this solemn admonition:—"The shake and convulsion which they create, render doubtful the safety, not merely of the Establishment, but of the Constitution itself?" Now, coupling the observations of the noble Premier with regard to "certain untoward circumstances," with the phrase used by the noble Lord (the Secretary for Ireland), of his inability to shake off the question of appropriation, I beg the House to pause and deliberate, now that the matter of discussion between the conflicting parties is brought into narrow limits, and that the point of dispute is small, before it rejects so serious a warning as that which has been administered by the first servant of the Crown, and by a servant of the Crown, too, possessing the confidence of hon. Members opposite. I recollect having been struck by an observation which that noble Lord used on one of the last occasions on which he addressed this House. It was in the year 1826, in opposition to a motion for Parliamentary reform; and the noble Lord replied to a very able speech which had been delivered by the present President of the Board of Control, in which he argued that Parliament was the safeguard of the Constitution, and that, if he thought reform would have the effect of changing the form of our Government, he should oppose it as much as any man. I well remember Lord Melbourne replied to this effect:—"All these disclaimers are very good, but my experience shows me that they are not to be relied on; for in politics it so happens that people get what they do not want, and want what they do not get." The effects of such measures as this cannot be limited according to the views of those who introduce them. The hon. Member for Kilkenny has openly declared that there will be no tranquillity in Ireland; and this, too, in the self-assumed character of representative of Ireland. I beg to direct the attention of the House to the evidence given before a Committee of the House of Commons by Dr. M'Hale, as representing the sentiments of the Irish Catholic hierarchy, with respect to the Established Church.—Dr. M'Hale, who, at one time, had preached conformity to the doctrine of St. Paul—"Render honour to whom honour is due, tribute to whom tribute, fear to whom fear,"—implying by such language that as long as tithe was the law of the land it should continue to be paid.

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* Hansard, Third Series, vol. xviii. p. 1096.

† Hansard, vol. xxx. New Series, p. 727.

Now let the House contrast these sentiments with a letter written afterwards, to the Duke of Wellington, by the same individual in the year 1834, in which he said, "after paying the landlord's rent, neither to parson, proctor, landlord, landlord's agent, or any other individual, shall I continue to pay a penny of tithe or any other tax which shall go to the support of the greatest nuisance in the civilised world." So that whatever concession may be made, there can be no chance of a cessation of agitation; because, according to Dr. M'Hale, it never shall cease until "the greatest nuisance in the civilised world" shall be altogether abolished. But it has been said, that the Church Establishment, bolstered up as it is, is incompatible with freedom. I am astonished at such an argument, and at the quarter from whence it comes. I, on the contrary, have always understood it to be the great bulwark of civil and religious liberty. It has proved itself to be this. It rescued us once from Popery and from tyranny; and on another occasion, it rescued us from the yoke no less galling—that of sectarian usurpation. I have heard such ominous language as this—that if the Bill do not pass, we must prepare for battle, and throw ourselves upon the justice of our cause. Hon. Members have talked as if some convulsion was near at hand, and of being prepared for the worst. I do still strongly confide in the strength and stability of the Protestant Establishment of this country; and I do solemnly believe, that it will still preserve us from all danger of tyranny, bigotry, fanaticism, and anarchy. Our Church may, it is true, on the other hand, have to sanction a serious breach,—it may be about to fall; but I, for one, if called upon in that fatal hour to let the Church crumble into dust, and with it the British Constitution, which rests upon it, and is mainly supported by it, shall declare in the language of Lord Bolingbroke, that "when truth and reason, and the cause of liberty fall with it, those who are buried in the ruins are happier than those who survive them."

Mr. *Sheil*: The right hon. Baronet has concluded a speech in favour of religion and of the Constitution by quoting an Atheist and a Tory. He has indulged in a dissertation upon property, which it is to be lamented that the Cumberland yeomen did not hear, in order that he may henceforth correct his erroneous notions on that subject. The right hon. Baronet has quoted Paley; he forgot to state that Paley is of opinion that the members of a government have no right to determine what is or is not the true religion, but should abide by the opinion of the majority of the people. He ought also to have remembered an authority better than Paley —the Scotch Parliament—which, in the Act abolishing Prelacy, laid down as the great reason for that celebrated proceeding, that it was opposed to the feelings of the majority of the Scotch people. These are great principles, and are worth far more consideration than the details of the measure before the House; it is not a question of vulgar arithmetic, but of vast policy, involving those regards by which Ireland ought in future to be permanently and uniformly governed. Two measures have been proposed: the one by a noble Lord, the Secretary for Ireland, who has won our confidence, attachment, and respect; the other, by a noble Lord who was Secretary for Ireland, and whose biography constitutes a calamitous portion of the history of Ireland. The one proposes appropriation; the other, distribution. Between which should we elect? The plan to which appropriation is an incident provides a surplus; the plan which has distribution in view leaves no surplus to be applied. It is evident that the latter is framed so as to avoid the creation of the surplus. But is there one? Let the statistics of the country be consulted. There are six hundred thousand Presbyterians, eight hundred and fifty thousand Episcopal Protestants, and six millions six hundred thousand Roman Catholics. In one archdiocese there are only forty thousand Protestants, and there are one million eight hundred thousand Roman Catholics. What more need be stated in order to prove that a surplus exists, and that the existing system cannot be maintained? It has been suggested by the noble Lord, that the inferior Protestant clergy are now paid in a manner disproportioned to their merits and services; for my part, wherever real services are to be performed, I am not only willing, but anxious that a clergyman should be adequately rewarded: but where there is no congregation I do not desire to see an useless ecclesiastic, no matter to what religion he may be attached. But when did the noble Lord, who now advocates new distribution, first bethink himself of the poverty of the Protestant clergy. When did he first give way to these feelings of commiseration in favour of the wretched curate and the family depending on him for sustainment?

He never proposed any measure for their relief until the demands of millions have urged this great question to the issue to which it has advanced. He says, that he never can or will consent to it. I never expected, indeed, that he would divest himself of the fatal pertinacity which characterises him, and which has been the source of so much calamity to the country that was so long abandoned to his control. The man who could without remorse witness the fatal results of his miserable legislation, must indeed be incapable of penitence: but he is mistaken in supposing that his consent is necessary to the achievement of this great measure. This House, invested as it is with a power which is sure to prevail at last, sustained by the great body of the nation, has means of persuasion which have not been tried on former occasions in vain. Does the noble Lord recollect by what expedient the Cabinet of which he was a Member carried the Reform Bill?—and if that measure was accomplished, its results, its inevitable results, of which this is one, will by the same instrumentality be achieved. It is sufficient to trace the progress of this question, in order to see that its advances to success are beyond all doubt, and that, although it may be retarded, it cannot be stopped. There are a class of questions which cannot retrograde, which cannot continue stationary, and which must needs go on. Of this character was the Slave question, the Catholic question, the Reform question. Of this class is that which the Irish millions, returning to this House a vast majority of the representatives of Ireland, never will relinquish. In the year 1824, this question was first pressed to a division by the Member for Middlesex. In the minority the names of Hobhouse, of Rice, and of Russell are to be found. They saw even then that the concession of this right to Ireland was indispensable for her peace. The Member for Cumberland has quoted a speech of the Secretary of the Home Department, in 1833, to prove that he was opposed to a new appropriation; but that speech referred to the 147th Clause, and to a contingent and improbable surplus in the Church Temporalities' Bill, and not to a surplus, definite, substantial, palpable, like that which will result from the contemplated measure. It may be said that the noble Lord, as well as the Secretary for the Home Department, has been consistent. He has been, indeed, obstinate in his adherence to a detail, but his general policy has with that detail been most incongruous. The instant the Reform of the Parliament was proposed in England, the reform of the Church was with the same loud voice imperatively required in Ireland. The excitement which arose in one country on the question by which it was most deeply interested, soon extended itself to the other, on the grievance by which it was most sensibly and painfully affected. Down, cried England, with nomination in the Parliament; down, cried Ireland, with sinecurism in the Church; perish Gatton and Old Sarum, cried the people of this country; perish the abuses, answered the Irish millions, which nothing but Old Sarum and Gatton could maintain. How, indeed, was it possible that the popular agitation which pervaded one country, should not have been communicated to the other? How could Ireland remain in apathetic contemplation of the great scenes which were passing in this country? Yet the noble Lord himself, who administered to the provocation of the popular passions in England, and the right hon. Baronet (Sir James Graham) conceived that they could play the Gracchi or Reform of the Parliament, and complain of sedition, when Ireland demanded in the same right the reform of the Church. When the Tithe Bill was introduced, in 1832, the Irish Members remonstrated in vain; the measure was passed into a law. The people assembled in thousands and tens of thousands to petition against it. They were dispersed at the point of the bayonet, and their leaders arrested, convicted by packed juries, and imprisoned. The Parliament was dissolved; and provoked by these despotic proceedings, the shout for repeal arose from every hustings. The Coercion Bill was introduced, and even that melancholy measure, although intended to repress the display of the popular power, contributed to advance this question; for the English Members who had consented to severity, determined that severity should have justice for its companion. The Church Temporalities' Bill was introduced; it swept ten Bishops away, it abolished church-cess, it provided that certain vacant benefices need not be filled up (thus letting a great principle indirectly in), but unfortunately the 147th clause, which did not indeed expressly assert appropriation, but intimated its adoption, was rejected, and from the measure no tranquillising consequences ensued. At the opening of the Session in 1834, a most important disclosure took place. It was proved that the

You cannot hope to proselytise us through the means of the Establishment. You have put the experiment to the test of three centuries. If the truth be with you it may be great, but in this instance it does not sustain the aphorism, for it does not prevail. You have tried every thing. First penal codes, then foundling hospitals, and charter schools (those nurseries for corporations), afterwards Kildare-street Societies, but these also have been abandoned; and even the noble Lord opposite, with all his scriptural addictions, and although he be the author of a work on the Parables for the use of children (I wonder what he says about the Pharisee)—still so convinced was he of the futility of all attempts at our conversion, that he himself introduced that system which is so erroneously designated by his present auxiliaries as the mutilation of the Word of God. But who that reflects on the subject for a moment can believe that the abuses of the Church can have any other effect than to array the country against the system with which it is connected? how can religion advance with police, process-servers, and commissioners of rebellion for its missionaries? Recollect what arguments, or, if you please, what sophisms these abuses supply to its opponents. Have not the rival clergy an opportunity of asking whether it is in an Aceldama that the vineyard of the Lord should be planted? Whether they are indeed the Ministers of Christ who, while they inculcate the reading of his Word, enter the field of massacre with the Gospel as an implement for swearing a distracted mother over the body of her child, that lay dead and stark before her, and whether they are, indeed, the priests of the Living God, who with the hands that distribute the sacramental cup, and put the bread of life into circulation, load the instruments of homicide; and then, turning sentimentalists, with fingers dripping with human blood, wipe their tears away! These, you may say, are exaggerations: take means that your Church do not afford too many opportunities for their indulgence. But if in a religious view the Establishment, as it is constituted, cannot conduce to the interests of religion—in a political view, what purpose does it answer? It is said that it cements the Union—cements the Union! At this moment it disturbs the foundation of the Legislature, brings both Houses of Parliament into collision, and to its centre shakes the Constitution.

The Debate adjourned.

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